



The Journal OF THE *House of Representatives*

Number 15

Tuesday, April 25, 2000

The House was called to order by the Speaker at 9:20 a.m.

Prayer

The following prayer was offered by the Reverend Donald W. Hafner, Pastor Emeritus of Trinity United Church of Christ of St. Petersburg, upon invitation of his son, Rep. Hafner:

Gracious and Holy God, in these moments set aside for prayerful contemplation and inspiration, we acknowledge your assurance that there is no time and no place void of your presence. With that assurance, may those now gathered and those who will be gathering in this place be open to that presence and to your guidance.

O Spirit of wisdom, whose actions and deeds throughout all time and eternity are beyond reproach, bless the Members of this House with the wise discernment to know that reverence for you is the beginning of wisdom.

O Spirit of truth, whose veracity has remained unchanged and unchangeable throughout the ages, bless the Members of this House with the sensibility to know your truth, that truth which will set them free to speak the truth, in love.

O Spirit of justice, whose righteous will is tempered with mercy as you judge people and nations, bless the Members of this House with the understanding that you do require them to do justly, to love mercy, and walk humbly with you.

O Spirit of love, whose charity exceeds all that we can ask or think and is in all, above all, and through all, bless the Members of this House with the benevolence that knows the greater joy in giving rather than in getting.

O Spirit of hope, whose gift of each day is an open door to what can be to those who work in partnership with you, bless the Members of this House with the awareness that pressure brings about perseverance, that perseverance tests character, and character produces a hope which is not disappointing.

O Lord of all beings, center and soul of every sphere, you do move and work in strange and marvelous ways your wonders to perform. May those wonders continue to be performed this day, among these Representatives, as they accept the cost as well as the joy of serving you, their constituents, and this state.

Blessing, glory, and honor be unto you now and always. Amen.

The following Members were recorded present:

Session Vote Sequence: 249

The Chair	Andrews	Argenziano	Bainter
Alexander	Argenio	Arnall	Ball

Barreiro	Farkas	Kyle	Rojas
Bense	Fasano	Lacasa	Rubio
Betancourt	Feeney	Lawson	Russell
Bilirakis	Fiorentino	Lee	Ryan
Bitner	Flanagan	Levine	Sanderson
Bloom	Frankel	Littlefield	Sembler
Boyd	Fuller	Logan	Smith, C.
Bradley	Futch	Lynn	Smith, K.
Bronson	Garcia	Maygarden	Sobel
Brown	Gay	Melvin	Sorensen
Brummer	Goode	Miller, J.	Spratt
Bullard	Goodlette	Miller, L.	Stafford
Bush	Green, C.	Minton	Stansel
Byrd	Greene, A.	Morrone	Starks
Cantens	Greenstein	Murman	Suarez
Casey	Hafner	Ogles	Sublette
Chestnut	Harrington	Patterson	Trovillion
Constantine	Hart	Peaden	Tullis
Cosgrove	Henriquez	Posey	Turnbull
Craday	Heyman	Prieguez	Villalobos
Crist	Hill	Pruitt	Wallace
Crow	Jacobs	Putnam	Wasserman Schultz
Detert	Johnson	Rayson	Waters
Dockery	Jones	Reddick	Wiles
Edwards	Kelly	Ritchie	Wilson
Effman	Kilmer	Ritter	Wise
Eggelston	Kosmas	Roberts	

(A list of excused Members appears at the end of the *Journal*.)

A quorum was present.

Pledge

The Members, led by Sarah Block of Tequesta, Orlando Cicilia of West Miami, Kaitlin J. Connell of Vero Beach, Jared Hatchell of Deltona, and Kristene Henkelman of Lakeland, pledged allegiance to the Flag. Sarah Block served at the invitation of Rep. Levine. Orlando Cicilia served at the invitation of Rep. Rubio. Kaitlin J. Connell served at the invitation of Rep. Sembler. Jared Hatchell served at the invitation of Rep. Bainter. Kristene Henkelman served at the invitation of Rep. Putnam.

House Physician

The Speaker introduced Dr. Walt Morris of Orange Park, who served in the Clinic today upon invitation of the Speaker.

Correction of the *Journal*

The *Journal* of April 24 was corrected and approved as corrected.

Messages from the Senate

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for SB's 852, 2 & 46, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Fiscal Policy, Criminal Justice, Education and Senators Dyer, Carlton, Cowin, Saunders, Campbell, Latvala, and Mitchell—

CS for CS for CS for SB's 852, 2 & 46—A bill to be entitled An act relating to school safety and security; amending s. 229.57, F.S.; revising criteria for determining a school's performance grade category for specified school years; creating s. 229.8347, F.S.; establishing the Partnership for School Safety and Security; providing responsibilities of the partnership; assigning the partnership to the Department of Education for administrative purposes; providing for membership, meetings, and reimbursement for expenses; providing for the partnership to be funded through the General Appropriations Act; providing for staff support and technical assistance; requiring that the partnership prepare annual reports; requiring the Department of Education to develop an individualized school safety and environment assessment instrument; requiring that the department expand performance standards for school safety; amending s. 230.23025, F.S.; requiring that safety and security be included as part of the factors reviewed as best financial management practices for school districts; amending s. 230.235, F.S.; requiring each district school board to review its zero-tolerance policy and ensure the inclusion of specific offenses; creating s. 231.0851, F.S.; requiring that school principals report and verify data concerning school safety and discipline; requiring that the State Board of Education adopt a form for such reports; requiring the Department of Education to improve reporting concerning school safety; requiring that the department develop indicators of safe schools; amending s. 232.24521, F.S.; prohibiting the use of a student's attendance record as the basis of an exemption from academic performance requirements; amending s. 232.26, F.S.; requiring that any suspension of a student with disabilities be in accordance with rules of the State Board of Education; creating s. 235.192, F.S.; requiring school districts and community colleges to provide blueprints of educational facilities to certain agencies; requiring that school districts and community colleges provide a revised blueprint following modification of a facility; requiring the Department of Education to assess safety and security initiatives and make certain reports; establishing a pilot program to assess teams that meet the optimal ratios of certain school professionals to students; requiring that the school district evaluate the program and make certain reports; requiring a plan for school transportation safety; amending s. 232.17, F.S.; prohibiting students referred to a child study team from enrolling in a home education program; providing exceptions; providing an appeals process; amending s. 414.125, F.S.; revising criteria for reduction of temporary cash assistance; amending s. 984.03, F.S.; revising the definitions of the terms "habitually truant" and "truancy petition"; amending s. 984.151, F.S.; revising requirements for filing a truancy petition; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Calendar of the House.

Reports of Councils and Standing Committees

Report of the Committee on Rules & Calendar

Special Orders

*The Honorable John Thrasher
Speaker, House of Representatives*

April 24, 2000

Dear Mr. Speaker:

Your Committee on Rules & Calendar herewith submits as Special Orders for Tuesday, April 25, 2000. Consideration of the House bills on

Special Orders shall include the Senate Companion measures on the House Calendar.

I. Consideration of the following bill(s):

CS/HB 1607—Money Laundering
HB 1619—Federal Law Enforcement Trust Fund
HB 1621—Public Records Exemptions/Seaports
HB 1939—Public Records/Money Transmitters
CS/HB 1097—Campaign Treasurer's Reports
HB 1099—Public Records/Campaign Treasurer
HB 2377—State Budgetary Process
CS/HB 215—Mutual Insurance Holding Company
HB 1675—Commission on Homeless
CS/CS/HB 1567—State University System/Rulemaking
HB 2381—Judiciary
CS/HB 1429—Prison Industries Trust Fund
CS/HB 829—Public Records/Exemption
HB 1121—FSU College of Medicine
CS/HB 397—Health Insurance Policy Forms
HB 1125—Racial & Ethnic Health Disparities
CS/HB 1963—School Safety & Student Discipline
HB 2121—Miami-Dade County Lake Belt Plan
CS/HB 2217—Public Records/Lottery Dept.
CS/HB 207—Families/Individual Development Acct
HB 1599—Rodman Reservoir Recreation Area
HB 2289—Public Records/CFS Dept. Personnel
CS/HB 701—Citizens Commission on Funding K-12
CS/HB 1425—Solid Waste Collection Services
CS/HB 887—Child Molestation/Character Evidence
CS/HB 983—Driving or Boating Under Influence
CS/CS/HB 593—Vacation & Timeshare Plans
HB 2097—Florida State Boxing Commission
CS/HB 315—Florida Airport Authority Act
HB 1047—Customer Service Standards Act
HB 1587—Dr. Martin L. King, Jr. Road/Havana
HB 1535—State Tax Reform Task Force
CS/HB 2057—Equity in School-Level Funding Act
HB 1109—Building Code Administrators
CS/HB 1439—Spring Training Franchise Facilities
CS/HB 1923—Lawsuits Involving Executive Branch
CS/CS/HB 113—Driver's License Suspension/DUI Test
CS/CS/HB 855—Child Welfare
CS/CS/HB 567—Nursing
HB 1741—Public Records Exemption
HB 663—Safe Neighborhood Improvement Dist.
HB 1459—Liquefied Petroleum Gas/Sale
HB 2035—Trust Fund for Major Gifts
HB 117—Motorcycle Riders/Safety Equipment
HB 739—Governmental Reorganization
HB 2053—Electronic Procurement
HB 2205—Private Seawalls/Construction Permit
HB 767—Municipal Law Enforcement Officers
CS/HB 361—Recovered Materials Dealers
HB 825—Postsecondary Linkage Institutes
HB 1177—Traffic Control/Speed Limits
HB 2109—Motor Fuel Marketing Practices Act
HB 527—Industrial Life Insurance Policies
CS/CS/HB 1163—Traffic Educ. & Awareness Programs
HB 2319—Rural Hospitals
HB 687—Small Employer Health Benefit Plans
CS/CS/HB 203—Unattended Child in Motor Vehicle

A quorum of the Committee was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,
Joseph Arnall
Chair

Rep. Arnall moved that the rules be suspended and the above report be adopted.

Motion

Rep. Cosgrove moved to strike **HB 397** from the Special Order Calendar, which was not agreed to by the necessary two-thirds vote.

The question recurred on the motion by Rep. Arnall to suspend the rules and adopt the Report of the Committee on Rules & Calendar, which was agreed to.

Suspension of the Rules for Committee Meetings and Bills

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, the rules were suspended and the Committee on Rules & Calendar was given permission to meet Tuesday, April 25, at 12:30 p.m., to set the afternoon Special Order Calendar for Wednesday, April 26.

Motions Relating to Committee References

On motion by Rep. Wasserman Schultz, agreed to by two-thirds vote, HB 517, HJR 1169, and HB 1645 were withdrawn from further consideration of the House.

On motion by Rep. Trovillion, agreed to by two-thirds vote, HB 1825 was withdrawn from further consideration of the House.

On motion by Rep. Lynn, agreed to by two-thirds vote, CS/HB 2005 was withdrawn from the Committee on Education/K-12 and remains referred to the Committees on Governmental Operations and Education Appropriations.

On motion by Rep. Lynn, agreed to by two-thirds vote, HB 2219 was withdrawn from the Committee on Education Innovation and remains referred to the Committee on Health & Human Services Appropriations.

Rep. Crist moved that HB 2409 be withdrawn from the Committee on Crime & Punishment. Further consideration of the motion was temporarily postponed.

On motion by Rep. Pruitt, agreed to by two-thirds vote, CS/HB 1037 and CS/HB 1039 were withdrawn from the Committee on Criminal Justice Appropriations and placed on the appropriate Calendar.

On motion by Rep. Pruitt, agreed to by two-thirds vote, CS/CS/HB 777 was withdrawn from the Committee on Finance & Taxation and remains referred to the Committee on Transportation & Economic Development Appropriations.

On motion by Rep. Pruitt, agreed to by two-thirds vote, HB 1155 was withdrawn from the Committee on Finance & Taxation and remains referred to the Committee on Transportation & Economic Development Appropriations.

On motion by Rep. Pruitt, agreed to by two-thirds vote, HB 2117 was withdrawn from the Committee on Finance & Taxation and remains referred to the Committee on General Government Appropriations.

On motion by Rep. Pruitt, agreed to by two-thirds vote, HB 2405 was withdrawn from the Committee on Finance & Taxation and placed on the appropriate Calendar.

On motion by Rep. Pruitt, agreed to by two-thirds vote, CS/HB 715 was withdrawn from the Committee on General Government Appropriations and placed on the appropriate Calendar.

Motion

On motion by Rep. Arnall, the privilege of the floor was granted to the Honorable Ben Harbin, District 113 of the Georgia House of Representatives.

Bills and Joint Resolutions on Third Reading

On motion by Rep. Goodlette, **CS/CS/HB 445** was temporarily postponed under Rule 141.

On motion by Rep. Alexander, **CS/HB 659** was temporarily postponed under Rule 141.

Recognition Ceremony for Unveiling of Mural

On motion by Rep. Arnall, the rules were suspended and the regular order of business was superseded for a recognition ceremony. On further motion by Rep. Arnall, the privilege of the floor was granted to Christopher Still, artist; Peter Hunter, frame maker; and John Hudiburg, NASA.

The Speaker gave brief remarks regarding the eight murals that Christopher Still has been commissioned to create and directed the Sergeant to unveil the newly installed mural representing the modern era—1941-2000.

The Speaker recognized Christopher Still to approach the well, where he gave brief remarks.

Special Orders

CS/HB 1607 was taken up. On motion by Rep. Ball, the rules were suspended and CS for CS for CS for SB 1258 was substituted for CS/HB 1607. Under Rule 50, the House bill was laid on the table and—

CS for CS for CS for SB 1258—A bill to be entitled An act relating to money laundering; creating s. 311.12, F.S.; providing for minimum standards for seaport security; providing for development and implementation of a statewide seaport security plan and local seaport security plans; providing for inspections of seaports to determine compliance with minimum seaport security standards and reporting of results of inspections performed; providing for a fingerprint-based criminal-history check of applicants for employment and current employees at certain seaports; amending s. 560.103, F.S.; limiting the definition of the term “authorized vendor” as used in the Money Transmitters’ Code to businesses located in this state; creating s. 560.1073, F.S.; providing a criminal penalty for making or filing with the department certain false or misleading statements or documents; amending s. 560.111, F.S.; deleting requirement that violation must be knowing; adding usury to prohibited acts; amending s. 560.114, F.S.; expanding the department’s disciplinary authority; deleting requirement that certain prohibited acts be knowingly or willfully committed; adding other acts subject to disciplinary action; providing that each money transmitter is responsible for any act of its authorized vendors if the money transmitter should have known of the act; amending s. 560.117, F.S.; providing the circumstances under which the department must give notice prior to bringing disciplinary action; providing for an administrative fine; amending s. 560.118, F.S.; revising requirements for examinations, reports, and audits of money transmitters; providing a criminal penalty for violations of the section; amending s. 560.123, F.S.; revising standards for graduated penalties involving currency or payment instruments under the Florida Control of Money Laundering in Money Transmitters Act; providing that the common law corpus delicti rule does not apply to prosecutions under the Money Transmitters’ Code; amending s. 560.125, F.S.; providing graduated criminal penalties; increasing fines; providing for a civil penalty; providing that the corpus delicti rule, as specifically designated, does not apply; amending s. 560.205, F.S.; requiring the submission of fingerprints by applicants for registration under the Payment Instruments and Funds Transmission Act; amending s. 560.211, F.S.; providing a criminal penalty for violating or failing to comply with recordkeeping requirements; amending s. 560.306, F.S.; providing standards for qualifying for registration under the Check Cashing and Foreign Currency Exchange Act; amending s. 560.310, F.S.; providing a criminal penalty for violating or failing to comply with recordkeeping requirements; amending s. 655.50, F.S.; revising standards for graduated penalties involving monetary instruments under the Florida Control of Money Laundering in Financial Institutions Act; providing that the corpus delicti rule, as specifically designated, does not apply; amending s. 893.145, F.S.; redefining the term “drug paraphernalia”; amending s. 893.147, F.S.; providing a criminal penalty for transportation of drug paraphernalia; amending s. 895.02, F.S.; expanding the definition of the term “racketeering activity”; amending s. 896.101, F.S.; redefining the terms “transaction” and “financial transaction”; defining the terms “knowing” and “petitioner”; revising elements of the offense to include avoidance of a

money transmitter's registration requirement; providing that specific circumstances do not constitute a defense to a prosecution; providing for graduated criminal penalties, fines, and civil penalties; providing for temporary injunctions; providing for seizure warrants; providing for immunity from liability arising from lawful actions taken to comply with a warrant; providing that the corpus delicti rule, as specifically designated, does not apply; amending s. 896.103, F.S.; conforming a statutory cross-reference; creating ss. 896.104, 896.105, 896.106, 896.107, F.S.; providing definitions; providing graduated criminal penalties for evading reporting or registration requirements in specific financial transactions; providing for fines and civil penalties; providing exceptions for undercover law enforcement purposes; providing for fugitive disentitlement; authorizing law enforcement agencies to provide informant rewards, subject to certain requirements; amending s. 921.0022, F.S.; adding specified monetary transaction offenses to the Criminal Punishment Code ranking chart; providing for 15 FTE and \$1,600,000 from State Transportation Fund to Department of Transportation, Office of Motor Carrier Compliance, to create contraband interdiction team; specifying composition of FTE positions; specifying purpose of contraband interdiction teams; requiring the Department of Transportation to seek additional funding from federal grants and forfeiture proceedings; authorizing the Department of Transportation to amend its budget; providing for an effective date.

—was read the second time by title.

Representative(s) Ball offered the following:

(Amendment Bar Code: 554129)

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 311.12, Florida Statutes, is created to read:

311.12 Seaport security.—

(1) The Office of Drug Control within the Executive Office of the Governor, in consultation with the Florida Seaport Transportation and Economic Development Council, and in conjunction with the Florida Department of Law Enforcement and local law enforcement agencies having primary authority over the affected seaports, shall develop, by January 1, 2001, a statewide security plan based upon the Florida Seaport Security Assessment 2000 conducted by the Office of Drug Control. Such plan shall establish statewide minimum standards for seaport security including the prevention of criminal activity including money laundering. The statewide seaport security plan shall identify the funding needs for security requirements of all relevant ports and shall recommend mechanisms to fund those needs including an analysis of the ability of seaports to provide funding for necessary improvements. The statewide seaport security plan shall be submitted to the Speaker of the House of Representatives and the President of the Senate and the chairs of the fiscal committees of the House of Representatives and Senate for review on or before January 1, 2001.

(2) All seaports, as identified pursuant to s. 311.09(1), in conjunction with and pending review and approval by the Office of Drug Control, within the Executive Office of the Governor, and the Florida Department of Law Enforcement, and in consultation with the Florida Seaport Transportation and Economic Development Council, shall no later than January 31, 2001, develop and draft individual seaport security plans particular to the specific and identifiable needs of their respective seaports.

(a) Each seaport security plan shall adhere to the statewide minimum standards established pursuant to subsection (1).

(b) All such seaports shall allow unimpeded access to the affected ports for purposes of inspections by the Department of Law Enforcement as authorized by this section.

(3) A fingerprint-based criminal history check shall be performed on any applicant for employment or current employee, as designated by each security plan required by subsection (2), who will be working within the

property of or have regular access to any seaport listed in s. 311.09(1). The costs of such checks shall be paid by the seaport or employing entity or any person so checked. The applicant or employee shall file a complete set of fingerprints taken in a manner required by the Department of Law Enforcement and the security plan. These fingerprints shall be submitted to the Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for federal processing. The results of the checks shall be reported to the seaports.

(4) The affected seaports shall implement the security plans developed under this section by April 30, 2002, contingent upon legislative approval of the statewide security plan established pursuant to subsection (1). The Department of Law Enforcement, or any entity selected by the department, shall conduct no less than once annually an unannounced inspection of each seaport listed in s. 311.09(1) to determine whether the seaport is meeting the minimum standards established under the authority of this section. The Department of Law Enforcement, in consultation with the Office of Drug Control within the Executive Office of the Governor, shall complete a report indicating the results of all such inspections conducted during the year and any suggestions or concerns developed by reason of such inspections by no later than December 31 of each year. A copy of the report shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chief administrator of each seaport inspected. The report shall, to the extent possible, include responses from the chief administrator of any seaport about which suggestions have been made or security concerns raised, indicating what actions, if any, have been taken or are planned to be taken in response to the suggestions or concerns noted.

(5) Nothing in this section shall be construed as preventing any seaport from implementing security measures that are more stringent, greater than, or supplemental to, the minimum standards established by this section.

Section 2. Subsection (2) of section 560.103, Florida Statutes, is amended to read:

560.103 Definitions.—As used in the code, unless the context otherwise requires:

(2) "Authorized vendor" means a person designated by a registrant to engage in the business of a money transmitter on behalf of the registrant at locations in this state pursuant to a written contract with the registrant.

Section 3. Section 560.1073, Florida Statutes, is created to read:

560.1073 False or misleading statements or supporting documents; penalty.—Any person who, personally or otherwise, files with the department, or signs as the duly authorized representative for filing with the department, any financial statement or any document in support thereof which is required by law or rule with intent to deceive and with knowledge that the statement or document is materially false or materially misleading commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. Subsection (1) of section 560.111, Florida Statutes, is amended to read:

560.111 Prohibited acts and practices.—

(1) It is unlawful for any money transmitter or money transmitter-affiliated party to:

(a) ~~Knowingly~~ Receive or possess itself of any property otherwise than in payment of a just demand, and, with intent to deceive or defraud, to omit to make or cause to be made a full and true entry thereof in its books and accounts, or to concur in omitting to make any material entry thereof;

(b) Embezzle, abstract, or misapply any money, property, or thing of value of the money transmitter or authorized vendor with intent to deceive or defraud such money transmitter or authorized vendor;

(c) Make any false entry in any book, report, or statement of such money transmitter or authorized vendor with intent to deceive or

defraud such money transmitter, authorized vendor, or another person, or with intent to deceive the department, any other *state or federal* appropriate regulatory agency, or any authorized representative appointed to examine or investigate the affairs of such money transmitter or authorized vendor;

(d) Engage in an act that violates 18 U.S.C. s. 1956, 31 U.S.C. s. 5324, or any other law, *rule, or regulation* of another state or of the United States relating to the business of money transmission *or usury* which may cause the denial or revocation of a money transmitter license or registration in such jurisdiction;

(e) Deliver or disclose to the department or any of its employees any examination report, report of condition, report of income and dividends, audit, account, statement, or document known by it to be fraudulent or false as to any material matter; or

(f) ~~Knowingly~~ Place among the assets of such money transmitter or authorized vendor any note, obligation, or security that the money transmitter or authorized vendor does not own or that to the person's knowledge is fraudulent or otherwise worthless, or for any such person to represent to the department that any note, obligation, or security carried as an asset of such money transmitter or authorized vendor is the property of the money transmitter or authorized vendor and is genuine if it is known to such person that such representation is false or that such note, obligation, or security is fraudulent or otherwise worthless.

Section 5. Section 560.114, Florida Statutes, is amended to read:

560.114 Disciplinary actions.—

(1) The following actions by a money transmitter or money transmitter-affiliated party are violations of the code and constitute grounds for the issuance of a cease and desist order, the issuance of a removal order, the denial of a registration application or the suspension or revocation of any registration previously issued pursuant to the code, or the taking of any other action within the authority of the department pursuant to the code:

(a) ~~Knowing~~ Failure to comply with any provision of the code, any rule or order adopted pursuant thereto, or any written agreement entered into with the department.

(b) Fraud, misrepresentation, deceit, or gross negligence in any transaction involving money transmission, regardless of reliance thereon by, or damage to, a money transmitter customer.

(c) Fraudulent misrepresentation, circumvention, or concealment of any matter required to be stated or furnished to a money transmitter customer pursuant to the code, regardless of reliance thereon by, or damage to, such customer.

(d) False, deceptive, or misleading advertising ~~by a money transmitter or authorized vendor.~~

(e) Failure to maintain, preserve, and keep available for examination all books, accounts, or other documents required by the code, by any rule or order adopted pursuant to the code, or by any agreement entered into with the department.

~~(f) Any fact or condition that exists that, if it had existed or had been known to exist at the time the money transmitter applied for registration, would have been grounds for denial of registration.~~

~~(f)(g)~~ A willful Refusal to permit the examination or inspection of books and records in an investigation or examination by the department, pursuant to the provisions of the code, or to comply with a subpoena issued by the department.

~~(g)(h)~~ Failure of the money transmitter or authorized vendor to pay a judgment recovered in any court in this state by a claimant in an action arising out of a money transmission transaction within 30 days after the judgment becomes final.

~~(h)(i)~~ Engaging in an ~~a prohibited~~ act or practice proscribed by s. 560.111.

~~(i)(j)~~ Insolvency or operating in an unsafe and unsound manner.

~~(j)(k)~~ Failure by a money transmitter to remove a money transmitter-affiliated party after the department has issued and served upon the money transmitter a final order setting forth a finding that the money transmitter-affiliated party has ~~knowingly~~ violated any provision of the code.

~~(2)—In addition to the acts specified in subsection (1), the following acts are grounds for denial of registration or for revocation, suspension, or restriction of registration previously granted:~~

~~(k)(a)~~ Making any ~~A~~ material misstatement or misrepresentation or committing any fraud ~~of fact~~ in an initial or renewal application for registration.

~~(l)(b)~~ Committing any act resulting in ~~Having~~ an application for registration, or a registration or its equivalent, to practice any profession or occupation *being* denied, suspended, revoked, or otherwise acted against by a registering authority in any jurisdiction *or a finding by an appropriate regulatory body of engaging in unlicensed activity as a money transmitter within any jurisdiction for fraud or dishonest dealing.*

~~(m)(c)~~ Committing any act resulting in ~~Having~~ a registration or its equivalent, or an application for registration, to practice any profession or occupation *being* denied, suspended, or otherwise acted against by a registering authority in any jurisdiction for a violation of 18 U.S.C. s. 1956, 31 U.S.C. s. 5324, or any other law, *rule, or regulation* of another state or of the United States relating to the business of money transmission *or usury* which may cause the denial or revocation of a money transmitter license or registration in such jurisdiction.

~~(n)(d)~~ Having been convicted of or found guilty of, or having pleaded guilty or nolo contendere to, *any felony or crime punishable by imprisonment of 1 year or more under the law of any state or of the United States which involves a crime involving fraud, moral turpitude, or dishonest dealing, without regard to whether a judgment of conviction has been entered by the court.*

~~(o)(e)~~ Having been convicted of or found guilty of, or having pleaded guilty or nolo contendere to, a crime under 18 U.S.C. s. 1956 or 31 U.S.C. s. 5324, *without regard to whether a judgment of conviction has been entered by the court.*

~~(p)~~ Having been convicted of or found guilty of, or having pleaded guilty or nolo contendere to, misappropriation, conversion, or unlawful withholding of moneys that belong to others and were received in the conduct of the business of the money transmitter.

~~(q)~~ Failure to inform the department in writing within 15 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony or crime punishable by imprisonment of 1 year or more under the law of any state or of the United States, or of any crime involving fraud, moral turpitude, or dishonest dealing, without regard to whether a judgment of conviction has been entered by the court.

~~(r)~~ Aiding, assisting, procuring, advising, or abetting any person in violating a provision of this code or any order or rule of the department.

~~(s)~~ Failure to timely pay any fee, charge, or fine under the code.

~~(t)~~ Failure to pay any judgment entered by any court within 30 days after the judgment becomes final.

~~(u)~~ Engaging or holding oneself out to be engaged in the business of a money transmitter without the proper registration.

~~(v)(f)~~ Any action that would be grounds for denial of a registration or for revocation, suspension, or restriction of a registration previously granted under part III of this chapter.

~~(2)~~ The department may issue a cease and desist order or removal order, suspend or revoke any previously issued registration, or take any other action within the authority of the department against a money transmitter based on any fact or condition that exists and that, if it had

existed or been known to exist at the time the money transmitter applied for registration, would have been grounds for denial of registration.

(3) Each money transmitter is responsible for any act of its authorized vendors if the money transmitter should have known of the act or, if the money transmitter has actual knowledge that such act is a violation of the code and the money transmitter willfully allowed such act to continue. Such responsibility is limited to conduct engaged in by the authorized vendor pursuant to the authority granted to it by the money transmitter.

(4) If a registration granted under this code expires or is surrendered by the registrant during the pendency of an administrative action under this code, the proceeding may continue as if the registration were still in effect.

Section 6. Section 560.117, Florida Statutes, is amended to read:

560.117 Administrative fines; enforcement.—

(1) The department may, by complaint, initiate a proceeding pursuant to chapter 120 to impose an administrative fine against any person found to have violated any provision of the code or a cease and desist order of the department or any written agreement with the department. *However, the department shall give notice, in writing, if it suspects that the licensee has violated any of the following provisions of the code and shall give the licensee 15 days after actual notice is served on the person within which to correct the violation before bringing disciplinary action under the code:*

- (a) *Failure to timely pay any fee, charge, or fine under the code;*
- (b) *Failure to pay any judgment entered by any court within 30 days after the judgment becomes final;*
- (c) *Failure to notify the department of a change of control of a money transmitter as required by s. 560.127; or*
- (d) *Failure to notify the department of any change of address or fictitious name as required by s. 560.205. No such proceeding shall be initiated and no fine shall accrue pursuant to this section until after such person has been notified in writing of the nature of the violation and has been afforded a reasonable period of time, as set forth in the notice, to correct the violation and has failed to do so.*

Except as provided in this section, such fine may not exceed \$100 a day for each violation. The department may excuse any such fine with a showing of good cause by the person being fined.

(2) *If the department finds that one or more grounds exist for the suspension, revocation, or refusal to renew or continue a license or registration issued under this chapter, the department may, in addition to or in lieu of suspension, revocation, or refusal to renew or continue a license or registration, impose a fine in an amount up to \$10,000 for each violation of this chapter.*

(3)(2) *Notwithstanding any other provision of this section, the department may impose a fine not to exceed \$1,000 per day for each day that a person violates the code by engaging in the business of a money transmitter without being registered.*

(4)(3) Any administrative fine levied by the department may be enforced by the department by appropriate proceedings in the circuit court of the county in which such person resides or maintains a principal office. In any administrative or judicial proceeding arising under this section, a party may elect to correct the violation asserted by the department and, upon the party's doing so, any fine ceases to accrue; however, an election to correct the violation does not render moot any administrative or judicial proceeding.

Section 7. Section 560.118, Florida Statutes, is amended to read:

560.118 Examinations, reports, and internal audits; penalty.—

(1)(a) The department may conduct an examination of a money transmitter or authorized vendor by providing not less than 15 days' advance notice to the money transmitter or authorized vendor. *However,*

if the department suspects that the money transmitter or authorized vendor has violated any provisions of this code or any criminal laws of this state or of the United States or is engaging in an unsafe and unsound practice, the department may, at any time without advance notice, conduct an examination of all affairs, activities, transactions, accounts, business records, and assets of any money transmitter or any money transmitter-affiliated party for the protection of the public. For the purpose of examinations, the department may administer oaths and examine a money transmitter or any of its affiliated parties concerning their operations and business activities and affairs; however, whenever the department has reason to believe that a money transmitter or authorized vendor is engaging in an unsafe and unsound practice, or has violated or is violating any provision of the code, the department may make an examination of such money transmitter or authorized vendor without providing advance notice. The department may accept an audit or examination from any appropriate regulatory agency or from an independent third party with respect to the operations of a money transmitter or an authorized vendor. The department may also make a joint or concurrent examination with any ~~state or federal~~ appropriate regulatory agency. The department may furnish a copy of all examinations made of such money transmitter or authorized vendor to the money transmitter and any appropriate regulatory agency provided that such agency agrees to abide by the confidentiality provisions as set forth in chapter 119.

(b) *Persons subject to this chapter who are examined shall make available to the department or its examiners the accounts, records, documents, files, information, assets, and matters which are in their immediate possession or control and which relate to the subject of the examination. Those accounts, records, documents, files, information, assets, and matters not in their immediate possession shall be made available to the department or the department's examiners within 10 days after actual notice is served on such persons.*

(c)(b) ~~The department may require an examination or audit of a money transmitter required under this section may be performed or authorized vendor by an independent third party that has been approved by the department or by a certified public accountant authorized to do business in the United States. The examination of a money transmitter or authorized vendor required under this section may be performed by an independent third party that has been approved by the department or by a certified public accountant authorized to do business in the United States. The cost of such an independent examination or audit shall be directly borne by the money transmitter or authorized vendor.~~

(d)(e) The department may recover the costs of a regular examination and supervision of a money transmitter or authorized vendor; however, the department may not recover the costs of more than one examination in any 12-month period unless the department has determined that the money transmitter or authorized vendor is operating in an unsafe or unsound or unlawful manner.

(e)(4) The department may, by rule, set a maximum per-day examination cost for a regular examination. Such per-day cost may be less than that required to fully compensate the department for costs associated with the examination. For the purposes of this section, "costs" means the salary and travel expenses directly attributable to the field staff examining the money transmitter or authorized vendor, and the travel expenses of any supervisory staff required as a result of examination findings. Reimbursement for such costs incurred under this subsection must be postmarked no later than 30 days after the date of receipt of a notice stating that such costs are due. The department may levy a late payment penalty of up to \$100 per day or part thereof that a payment is overdue, unless the late payment penalty is excused for good cause. In excusing any such late payment penalty, the department may consider the prior payment history of the money transmitter or authorized vendor.

(2)(a) *Annual financial reports that are required to be filed under the code or any rules adopted thereunder must be audited by an independent third party that has been approved by the department or by a certified public accountant authorized to do business in the United States. The*

money transmitter or authorized vendor shall directly bear the cost of the audit. This paragraph does not apply to any seller of payment instruments who can prove to the satisfaction of the department that it has a combined total of fewer than 50 employees and authorized vendors or that its annual payment instruments issued from its activities as a payment instrument seller are less than \$200,000.

(b)(a) The department may, by rule, require each money transmitter or authorized vendor to submit quarterly reports to the department. The department may require that each report contain a declaration by an officer, or any other responsible person authorized to make such declaration, that the report is true and correct to the best of her or his knowledge and belief. Such report must include such information as the department by rule requires for that type of money transmitter.

(c)(b) The department may levy an administrative fine of up to \$100 per day for each day the report is past due, unless it is excused for good cause. In excusing any such administrative fine, the department may consider the prior payment history of the money transmitter or authorized vendor.

(3) Any person who willfully violates this section or fails to comply with any lawful written demand or order of the department made under this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 8. Subsection (8) of section 560.123, Florida Statutes, is amended, and subsection (9) is added to said section, to read:

560.123 Florida control of money laundering in the Money Transmitters' Code; reports of transactions involving currency or monetary instruments; when required; purpose; definitions; penalties.—

(8)(a) Except as provided in paragraph (b), a person who willfully violates any provision of this section or ~~chapter 896~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who willfully violates any provision of this section or ~~chapter 896~~, if the violation involves is:

1. ~~Currency or payment instruments committed in furtherance of the commission of any other violation of any law of this state or committed as part of a pattern of illegal activity involving financial transactions~~ exceeding \$300 but less than \$20,000 in any 12-month period, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. ~~Currency or payment instruments totaling or committed as part of a pattern of illegal activity involving financial transactions~~ exceeding \$20,000 but less than \$100,000 in any 12-month period, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. ~~Currency or payment instruments totaling or committed as part of a pattern of illegal activity involving financial transactions~~ exceeding \$100,000 in any 12-month period, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) In addition to the penalties otherwise authorized by s. 775.082, s. 775.083, or s. 775.084, a person who has been convicted of or who has pleaded guilty or nolo contendere to having violated paragraph (b) may be sentenced to pay a fine not exceeding \$250,000 or twice the value of the currency or payment instruments financial transaction, whichever is greater, except that on a second or subsequent conviction for or plea of guilty or nolo contendere to a violation of paragraph (b), the fine may be up to \$500,000 or quintuple the value of the currency or payment instruments financial transaction, whichever is greater.

(d) A person who willfully violates this section or ~~chapter 896~~ is also liable for a civil penalty of not more than the greater of the value of the currency or payment instruments financial transaction involved or \$25,000. However, such civil penalty shall not exceed \$100,000.

(9) In any prosecution brought pursuant to this section, the common law corpus delicti rule does not apply. The defendant's confession or

admission is admissible during trial without the state having to prove the corpus delicti if the court finds in a hearing conducted outside the presence of the jury that the defendant's confession or admission is trustworthy. Before the court admits the defendant's confession or admission, the state must prove by a preponderance of the evidence that there is sufficient corroborating evidence that tends to establish the trustworthiness of the statement by the defendant. Hearsay evidence is admissible during the presentation of evidence at the hearing. In making its determination, the court may consider all relevant corroborating evidence, including the defendant's statements.

Section 9. Section 560.125, Florida Statutes, is amended to read:

560.125 Money transmitter business by unauthorized persons; penalties.—

(1) A person other than a registered money transmitter or authorized vendor may not engage in the business of a money transmitter in this state unless the person is exempted from the registration requirements of the code.

(2) No person shall act as a vendor of a money transmitter when such money transmitter is subject to registration under the code but has not registered. Any such person becomes the principal thereof, and no longer merely acts as a vendor, and such person is liable to the holder or remitter as a principal money transmitter.

(3) Any person whose substantial interests are affected by a proceeding brought by the department pursuant to the code may, pursuant to s. 560.113, petition any court to enjoin the person or activity that is the subject of the proceeding from violating any of the provisions of this section. For the purpose of this subsection, any money transmitter registered pursuant to the code, any person residing in this state, and any person whose principal place of business is in this state are presumed to be substantially affected. In addition, the interests of a trade organization or association are deemed substantially affected if the interests of any of its members are so affected.

(4) ~~Any person who violates the provisions of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~ The department may issue and serve upon any person who violates any of the provisions of this section a complaint seeking a cease and desist order in accordance with the procedures and in the manner prescribed by s. 560.112. The department may also impose an administrative fine pursuant to s. 560.117(3)(2) against any person who violates any of the provisions of this section.

(5) A person who violates this section, if the violation involves:

(a) ~~Currency or payment instruments exceeding \$300 but less than \$20,000 in any 12-month period, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(b) ~~Currency or payment instruments totaling or exceeding \$20,000 but less than \$100,000 in any 12-month period, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(c) ~~Currency or payment instruments totaling or exceeding \$100,000 in any 12-month period, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(6) ~~In addition to the penalties authorized by s. 775.082, s. 775.083, or s. 775.084, a person who has been found guilty of or who has pleaded guilty or nolo contendere to having violated this section may be sentenced to pay a fine not exceeding \$250,000 or twice the value of the currency or payment instruments, whichever is greater, except that on a second or subsequent violation of this section, the fine may be up to \$500,000 or quintuple the value of the currency or payment instruments, whichever is greater.~~

(7) ~~A person who violates this section is also liable for a civil penalty of not more than the value of the currency or payment instruments involved or \$25,000, whichever is greater.~~

(8) ~~In any prosecution brought pursuant to this section, the common law corpus delicti rule does not apply. The defendant's confession or~~

admission is admissible during trial without the state having to prove the corpus delicti if the court finds in a hearing conducted outside the presence of the jury that the defendant's confession or admission is trustworthy. Before the court admits the defendant's confession or admission, the state must prove by a preponderance of the evidence that there is sufficient corroborating evidence that tends to establish the trustworthiness of the statement by the defendant. Hearsay evidence is admissible during the presentation of evidence at the hearing. In making its determination, the court may consider all relevant corroborating evidence, including the defendant's statements.

Section 10. Section 560.205, Florida Statutes, is amended to read:

560.205 Qualifications of applicant for registration; contents.—

(1) To qualify for registration under this part, an applicant must demonstrate to the department such character and general fitness as to command the confidence of the public and warrant the belief that the registered business will be operated lawfully and fairly. *The department may investigate each applicant to ascertain whether the qualifications and requirements prescribed by this part have been met. The department's investigation may include a criminal background investigation of all controlling shareholders, principals, officers, directors, members and responsible persons of a funds transmitter and a payment instrument seller and all persons designated by a funds transmitter or payment instrument seller as an authorized vendor. Each controlling shareholder, principal, officer, director, member, and responsible person of a funds transmitter or payment instrument seller, unless the applicant is a publicly traded corporation, a subsidiary thereof, or a subsidiary of a bank or bank holding company, shall file a complete set of fingerprints taken by an authorized law enforcement officer. Such fingerprints must be submitted to the Department of Law Enforcement or the Federal Bureau of Investigation for state and federal processing. The department may waive by rule the requirement that applicants file a set of fingerprints or the requirement that such fingerprints be processed by the Department of Law Enforcement or the Federal Bureau of Investigation.*

(2) Each application for registration must be submitted under oath to the department on such forms as the department prescribes by rule and must be accompanied by a nonrefundable investigation fee. Such fee may not exceed \$500 and may be waived by the department for just cause. The application forms shall set forth such information as the department reasonably requires, including, but not limited to:

(a) The name and address of the applicant, including any fictitious or trade names used by the applicant in the conduct of its business.

(b) The history of the applicant's material litigation, criminal convictions, pleas of nolo contendere, and cases of adjudication withheld.

(c) A description of the activities conducted by the applicant, the applicant's history of operations, and the business activities in which the applicant seeks to engage in this state.

(d) A list identifying the applicant's proposed authorized vendors in this state, including the location or locations in this state at which the applicant and its authorized vendors propose to conduct registered activities.

(e) A sample authorized vendor contract, if applicable.

(f) A sample form of payment instrument, if applicable.

(g) The name and address of the clearing financial institution or financial institutions through which the applicant's payment instruments will be drawn or through which such payment instruments will be payable.

(h) Documents revealing that the net worth and bonding requirements specified in s. 560.209 have been or will be fulfilled.

(3) Each application for registration by an applicant that is a corporation shall also set forth such information as the department reasonably requires, including, but not limited to:

(a) The date of the applicant's incorporation and state of incorporation.

(b) A certificate of good standing from the state or country in which the applicant was incorporated.

(c) A description of the corporate structure of the applicant, including the identity of any parent or subsidiary of the applicant, and the disclosure of whether any parent or subsidiary is publicly traded on any stock exchange.

(d) The name, business and residence addresses, and employment history for the past 5 years for each executive officer, each director, each controlling shareholder, and the responsible person who will be in charge of all the applicant's business activities in this state.

(e) The history of material litigation and criminal convictions, pleas of nolo contendere, and cases of adjudication withheld for each executive officer, each director, each controlling shareholder, and the responsible person who will be in charge of the applicant's registered activities.

(f) Copies of the applicant's audited financial statements for the current year and, if available, for the immediately preceding 2-year period. In cases where the applicant is a wholly owned subsidiary of another corporation, the parent's consolidated audited financial statements may be submitted to satisfy this requirement. An applicant who is not required to file audited financial statements may satisfy this requirement by filing unaudited financial statements verified under penalty of perjury, as provided by the department by rule.

(g) An applicant who is not required to file audited financial statements may file copies of the applicant's unconsolidated, unaudited financial statements for the current year and, if available, for the immediately preceding 2-year period.

(h) If the applicant is a publicly traded company, copies of all filings made by the applicant with the United States Securities and Exchange Commission, or with a similar regulator in a country other than the United States, within the year preceding the date of filing of the application.

(4) Each application for registration submitted to the department by an applicant that is not a corporation shall also set forth such information as the department reasonably requires, including, but not limited to:

(a) Evidence that the applicant is registered to do business in this state.

(b) The name, business and residence addresses, personal financial statement and employment history for the past 5 years for each individual having a controlling ownership interest in the applicant, and each responsible person who will be in charge of the applicant's registered activities.

(c) The history of material litigation and criminal convictions, pleas of nolo contendere, and cases of adjudication withheld for each individual having a controlling ownership interest in the applicant and each responsible person who will be in charge of the applicant's registered activities.

(d) Copies of the applicant's audited financial statements for the current year, and, if available, for the preceding 2 years. An applicant who is not required to file audited financial statements may satisfy this requirement by filing unaudited financial statements verified under penalty of perjury, as provided by the department by rule.

(5) Each applicant shall designate and maintain an agent in this state for service of process.

Section 11. Subsection (5) is added to section 560.211, Florida Statutes, to read:

560.211 Records.—

(5) Any person who willfully fails to comply with this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 12. Section 560.306, Florida Statutes, is amended to read:
560.306 Standards.—

(1) *In order to qualify for registration under this part, an applicant must demonstrate to the department that he or she has such character and general fitness as will command the confidence of the public and warrant the belief that the registered business will be operated lawfully and fairly. The department may investigate each applicant to ascertain whether the qualifications and requirements prescribed by this part have been met. The department's investigation may include a criminal background investigation of all controlling shareholders, principals, officers, directors, members, and responsible persons of a check casher and a foreign currency exchanger and all persons designated by a foreign currency exchanger or check casher as an authorized vendor. Each controlling shareholder, principal, officer, director, members, and responsible person of a check casher or foreign currency exchanger, unless the applicant is a publicly traded corporation, a subsidiary thereof, or a subsidiary of a bank or bank holding company, shall file a complete set of fingerprints taken by an authorized law enforcement officer. Such fingerprints must be submitted to the Department of Law Enforcement or the Federal Bureau of Investigation for state and federal processing. The department may waive by rule the requirement that applicants file a set of fingerprints or the requirement that such fingerprints be processed by the Department of Law Enforcement or the Federal Bureau of Investigation.*

(2)(1) The department may deny registration if it finds that the applicant, or any money transmitter-affiliated party of the applicant, has been convicted of a *crime felony* involving moral turpitude in any jurisdiction or of a crime which, if committed in this state, would constitute a *crime felony* involving moral turpitude under the laws of this state. For the purposes of this part, a person shall be deemed to have been convicted of a crime if such person has either pleaded guilty to or been found guilty of a charge before a court or federal magistrate, or by the verdict of a jury, irrespective of the pronouncement of sentence or the suspension thereof. The department may take into consideration the fact that such plea of guilty, or such decision, judgment, or verdict, has been set aside, reversed, or otherwise abrogated by lawful judicial process or that the person convicted of the crime received a pardon from the jurisdiction where the conviction was entered or received a certificate pursuant to any provision of law which removes the disability under this part because of such conviction.

(3)(2) The department may deny an *initial* application for registration if the applicant or money transmitter-affiliated party of the applicant is the subject of a pending criminal prosecution or governmental enforcement action, in any jurisdiction, until the conclusion of such criminal prosecution or enforcement action.

(4)(3) Each registration application and renewal application must specify the location at which the applicant proposes to establish its principal place of business and any other location, including authorized vendors operating in this state. The registrant shall notify the department of any changes to any such locations. Any registrant may satisfy this requirement by providing the department with a list of such locations, including all authorized vendors operating in this state, not less than annually. A registrant may not transact business as a check casher or a foreign currency exchanger except pursuant to the name under which it is registered.

(5)(4) Each applicant shall designate and maintain an agent in this state for service of process.

Section 13. Subsection (5) is added to section 560.310, Florida Statutes, to read:

560.310 Records of check cashers and foreign currency exchangers.—

(5) *Any person who willfully violates this section or fails to comply with any lawful written demand or order of the department made pursuant to this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 14. Subsection (10) of section 655.50, Florida Statutes, is amended, and subsection (11) is added to said section, to read:

655.50 Florida Control of Money Laundering in Financial Institutions Act; reports of transactions involving currency or monetary instruments; when required; purpose; definitions; penalties.—

(10)(a) Except as provided in paragraph (b), a person who willfully violates any provision of this section, ~~chapter 896, or any similar state or federal law~~ is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who willfully violates *or knowingly causes another to violate* any provision of this section, ~~chapter 896, or any similar state or federal law~~, when the violation *involves* is:

1. ~~Committed in furtherance of the commission of any other violation of Florida law; or~~

2. ~~Committed as part of a pattern of illegal activity involving~~ Financial transactions exceeding \$300 but less than \$20,000 in any 12-month period, is guilty of a felony of the third degree, *punishable as provided in s. 775.082 or s. 775.083; or*

2.3. ~~Committed as part of a pattern of illegal activity involving~~ Financial transactions *totaling or* exceeding \$20,000 but less than \$100,000 in any 12-month period is guilty of a felony of the second degree, *punishable as provided in s. 775.082 or s. 775.083; or*

3.4. ~~Committed as part of a pattern of illegal activity involving~~ Financial transactions *totaling or* exceeding \$100,000 in any 12-month period is guilty of a felony of the first degree, *punishable as provided in s. 775.082 or s. 775.083.*

(c) In addition to the penalties otherwise authorized by ss. 775.082 and 775.083, a person who has been convicted of or who has pleaded guilty or nolo contendere to having violated paragraph (b) may be sentenced to pay a fine not exceeding \$250,000 or twice the value of the financial transaction, whichever is greater, except that on a second or subsequent conviction for or plea of guilty or nolo contendere to a violation of paragraph (b), the fine may be up to \$500,000 or quintuple the value of the financial transaction, whichever is greater.

(d) A *financial institution as defined in s. 655.005* ~~person~~ who willfully violates this section, ~~chapter 896, or any similar state or federal law~~ is also liable for a civil penalty of not more than the greater of the value of the financial transaction involved or \$25,000. However, the civil penalty may not exceed \$100,000.

(e) *A person other than a financial institution as defined in s. 655.005 who violates this section is also liable for a civil penalty of not more than the greater of the value of the financial transaction involved or \$25,000.*

(11) *In any prosecution brought pursuant to this section, the common law corpus delicti rule does not apply. The defendant's confession or admission is admissible during trial without the state having to prove the corpus delicti if the court finds in a hearing conducted outside the presence of the jury that the defendant's confession or admission is trustworthy. Before the court admits the defendant's confession or admission, the state must prove by a preponderance of the evidence that there is sufficient corroborating evidence that tends to establish the trustworthiness of the statement by the defendant. Hearsay evidence is admissible during the presentation of evidence at the hearing. In making its determination, the court may consider all relevant corroborating evidence, including the defendant's statements.*

Section 15. Section 893.145, Florida Statutes, is amended to read:

893.145 "Drug paraphernalia" defined.—The term "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, transporting, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter.

Drug paraphernalia is deemed to be contraband which shall be subject to civil forfeiture. The term includes, but is not limited to:

- (1) Kits used, intended for use, or designed for use in the planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
- (2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- (3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
- (4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of, controlled substances.
- (5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
- (6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances.
- (7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, cannabis.
- (8) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances.
- (9) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
- (10) Containers and other objects used, intended for use, or designed for use in storing, ~~or~~ concealing, *or transporting* controlled substances.
- (11) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
- (12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body, such as:
 - (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls.
 - (b) Water pipes.
 - (c) Carburetion tubes and devices.
 - (d) Smoking and carburetion masks.
 - (e) Roach clips: meaning objects used to hold burning material, such as a cannabis cigarette, that has become too small or too short to be held in the hand.
 - (f) Miniature cocaine spoons, and cocaine vials.
 - (g) Chamber pipes.
 - (h) Carburetor pipes.
 - (i) Electric pipes.
 - (j) Air-driven pipes.
 - (k) Chillums.
 - (l) Bongs.
 - (m) Ice pipes or chillers.

Section 16. Section 893.147, Florida Statutes, is amended to read:

893.147 Use, possession, manufacture, delivery, *transportation*, or advertisement of drug paraphernalia.—

(1) USE OR POSSESSION OF DRUG PARAPHERNALIA.—It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia:

(a) To plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this chapter; or

(b) To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter.

Any person who violates this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.—It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used:

(a) To plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this act; or

(b) To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this act.

Any person who violates this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) DELIVERY OF DRUG PARAPHERNALIA TO A MINOR.—

(a) Any person 18 years of age or over who violates subsection (2) by delivering drug paraphernalia to a person under 18 years of age is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) It is unlawful for any person to sell or otherwise deliver hypodermic syringes, needles, or other objects which may be used, are intended for use, or are designed for use in parenterally injecting substances into the human body to any person under 18 years of age, except that hypodermic syringes, needles, or other such objects may be lawfully dispensed to a person under 18 years of age by a licensed practitioner, parent, or legal guardian or by a pharmacist pursuant to a valid prescription for same. Any person who violates the provisions of this paragraph is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) *TRANSPORTATION OF DRUG PARAPHERNALIA.—It is unlawful to use, possess with the intent to use, or manufacture with the intent to use drug paraphernalia, knowing or under circumstances in which one reasonably should know that it will be used to transport:*

(a) *A controlled substance in violation of this chapter; or*

(b) *Contraband as defined in s. 932.701(2)(a)1.*

Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5)(4) ADVERTISEMENT OF DRUG PARAPHERNALIA.—It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 17. Paragraph (a) of subsection (1) of section 895.02, Florida Statutes, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime which is chargeable by indictment or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.
2. Section 403.727(3)(b), relating to environmental control.
3. Section 414.39, relating to public assistance fraud.
4. Section 409.920, relating to Medicaid provider fraud.
5. Section 440.105 or s. 440.106, relating to workers' compensation.
6. Part IV of chapter 501, relating to telemarketing.
7. Chapter 517, relating to sale of securities and investor protection.
8. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.

9. Chapter 550, relating to jai alai frontons.

10. Chapter 552, relating to the manufacture, distribution, and use of explosives.

11. Chapter 560, relating to money transmitters, if the violation is punishable as a felony.

~~12.41.~~ Chapter 562, relating to beverage law enforcement.

~~13.42.~~ Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

~~14.43.~~ Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

~~15.44.~~ Chapter 687, relating to interest and usurious practices.

~~16.45.~~ Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

~~17.46.~~ Chapter 782, relating to homicide.

~~18.47.~~ Chapter 784, relating to assault and battery.

~~19.48.~~ Chapter 787, relating to kidnapping.

~~20.49.~~ Chapter 790, relating to weapons and firearms.

~~21.20.~~ Section 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

~~22.21.~~ Chapter 806, relating to arson.

~~23.22.~~ Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

~~24.23.~~ Chapter 812, relating to theft, robbery, and related crimes.

~~25.24.~~ Chapter 815, relating to computer-related crimes.

~~26.25.~~ Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

~~27.26.~~ Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

~~28.27.~~ Section 827.071, relating to commercial sexual exploitation of children.

~~29.28.~~ Chapter 831, relating to forgery and counterfeiting.

~~30.29.~~ Chapter 832, relating to issuance of worthless checks and drafts.

~~31.30.~~ Section 836.05, relating to extortion.

~~32.31.~~ Chapter 837, relating to perjury.

~~33.32.~~ Chapter 838, relating to bribery and misuse of public office.

~~34.33.~~ Chapter 843, relating to obstruction of justice.

~~35.34.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

~~36.35.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

~~37.36.~~ Chapter 874, relating to criminal street gangs.

~~38.37.~~ Chapter 893, relating to drug abuse prevention and control.

~~39.38.~~ Chapter 896, relating to offenses related to financial transactions.

~~40.39.~~ Sections 914.22 and 914.23, relating to tampering with a witness, victim, or informant, and retaliation against a witness, victim, or informant.

~~41.40.~~ Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

Section 18. Section 896.101, Florida Statutes, is amended to read:

896.101 Florida Money Laundering Act; definitions; penalties; injunctions; seizure warrants; immunity ~~Offense of conduct of financial transaction involving proceeds of unlawful activity; penalties.—~~

(1) *This section may be cited as the "Florida Money Laundering Act."*

(2)(4) **DEFINITIONS.**—As used in this section, the term:

(a) "Knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity" means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under state or federal law, regardless of whether or not such activity is specified in paragraph (g).

(b) "Conducts" includes initiating, concluding, or participating in initiating or concluding a transaction.

(c) "Transaction" means a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, *use of a safety deposit box*, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected.

(d) "Financial transaction" means a transaction involving the movement of funds by wire or other means or involving one or more monetary instruments, which in any way or degree affects commerce, *or a transaction involving the transfer of title to any real property, vehicle, vessel, or aircraft*, or a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, commerce in any way or degree.

(e) "Monetary instruments" means coin or currency of the United States or of any other country, travelers' checks, personal checks, bank checks, money orders, investment securities in bearer form or otherwise in such form that title thereto passes upon delivery, and negotiable instruments in bearer form or otherwise in such form that title thereto passes upon delivery.

(f) "Financial institution" means a financial institution as defined in 31 U.S.C. s. 5312 which institution is located in this state.

(g) "Specified unlawful activity" means any "racketeering activity" as defined in s. 895.02.

(h) "Knowing" means that a person knew, or, with respect to any transaction or transportation involving more than \$10,000 in U.S.

currency or foreign equivalent, should have known after reasonable inquiry, unless the person has a duty to file a federal currency transaction report, IRS Form 8300, or a like report under state law and has complied with that reporting requirement in accordance with law.

(i) "Petitioner" means any local, county, state, or federal law enforcement agency; the Attorney General; any state attorney; or the statewide prosecutor.

~~(3)(2) It is unlawful a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for a person:~~

(a) Knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, to conduct or attempt to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity:

1. With the intent to promote the carrying on of specified unlawful activity; or

2. Knowing that the transaction is designed in whole or in part:

a. To conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

b. To avoid a transaction reporting requirement or money transmitters' registration requirement under state law.

(b) To transport or attempt to transport a monetary instrument or funds:

1. With the intent to promote the carrying on of specified unlawful activity; or

2. Knowing that the monetary instrument or funds involved in the transportation represent the proceeds of some form of unlawful activity and knowing that such transportation is designed in whole or in part:

a. To conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

b. To avoid a transaction reporting requirement or money transmitters' registration requirement under state law.

(c) To conduct or attempt to conduct a financial transaction which involves property or proceeds which an investigative or law enforcement officer, or someone acting under such officer's direction, represents as being derived from, or as being used to conduct or facilitate, specified unlawful activity, when the person's conduct or attempted conduct is undertaken with the intent:

1. To promote the carrying on of specified unlawful activity; or

2. To conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds or property believed to be the proceeds of specified unlawful activity; or

3. To avoid a transaction reporting requirement under state law.

~~(d) A person who violates this subsection is also liable for a civil penalty of not more than the greater of the value of the property, funds, or monetary instruments involved in the transaction or \$10,000.~~

(d)(e) For the purposes of this subsection, "investigative or law enforcement officer" means any officer of the State of Florida or political subdivision thereof, of the United States, or of any other state or political subdivision thereof, who is empowered by law to conduct, on behalf of the government, investigations of, or to make arrests for, offenses enumerated in this subsection or similar federal offenses.

(4) It does not constitute a defense to a prosecution for any violation of this chapter that:

(a) Any stratagem or deception, including the use of an undercover operative or law enforcement officer, was employed.

(b) A facility or an opportunity to engage in conduct in violation of this act was provided.

(c) A law enforcement officer, or person acting under direction of a law enforcement officer, solicited a person predisposed to engage in conduct in violation of any provision of this chapter to commit a violation of this chapter in order to gain evidence against that person, provided such solicitation would not induce an ordinary law-abiding person to violate this chapter.

This subsection does not preclude the defense of entrapment.

(5) A person who violates this section, if the violation involves:

(a) Financial transactions exceeding \$300 but less than \$20,000 in any 12-month period, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Financial transactions totaling or exceeding \$20,000 but less than \$100,000 in any 12-month period, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Financial transactions totaling or exceeding \$100,000 in any 12-month period, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) In addition to the penalties authorized by s. 775.082, s. 775.083, or s. 775.084, a person who has been found guilty of or who has pleaded guilty or nolo contendere to having violated this section may be sentenced to pay a fine not exceeding \$250,000 or twice the value of the financial transactions, whichever is greater, except that for a second or subsequent violation of this section, the fine may be up to \$500,000 or quintuple the value of the financial transactions, whichever is greater.

(7) A person who violates this section is also liable for a civil penalty of not more than the value of the financial transactions involved or \$25,000, whichever is greater.

(8)(a) If a person is alienating or disposing of monetary instruments or funds, or appears likely to or demonstrates an intent to alienate or dispose of monetary instruments or funds, used in violation of this section, chapter 560, s. 655.50, or any crime listed as specified unlawful activity under this section, or monetary instruments or funds that are traceable to any such violation, the petitioner may commence a civil action in any circuit court having jurisdiction where such monetary instruments or funds are located or have been deposited for a temporary injunction to prohibit any person from withdrawing, transferring, removing, dissipating, or disposing of any such monetary instruments or funds of equivalent value. The temporary injunction will be obtained pursuant to Florida Civil Rule of Procedure 1.610. This section governs all temporary injunctions obtained pursuant to this section and supercedes all other provisions of the rule that may be inconsistent with this section. The court shall take into account any anticipated impact the temporary injunction will have on innocent third parties or businesses, balanced against the petitioner's need to preserve the monetary instruments or funds.

(b) A temporary injunction must be granted without bond to the petitioner. However, the court may authorize a respondent to post a bond equal to the amount to be enjoined and to have the injunction dissolved.

(c) A temporary injunction is to be entered upon application of the petitioner, ex parte and without notice or opportunity for a hearing with respect to the monetary instruments or funds.

(d) Such a temporary order expires not more than 10 days after the date on which the order is served, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period.

(e) If at any time the petitioner discovers that the funds sought to be enjoined total less than \$10,000, the petitioner shall immediately inform the court and the court shall immediately dissolve the temporary injunction.

(f) At the termination of the temporary injunction or at any time before the termination of the temporary injunction, the petitioner may:

1. Obtain a warrant or other court order and seize the monetary instruments or funds and initiate a civil forfeiture action;

2. Obtain a warrant or other court order and seize the monetary instruments or funds for any subsequent criminal prosecution; or

3. Petition the court to extend the order for a period not longer than 10 days from the original order's termination date. At the end of the termination of the 10-day extension, the petitioner may take either of the steps outlined in subparagraph 1. or subparagraph 2. However, the petitioner may not be granted any additional extensions.

(g) Within 24 hours after a temporary order is served pursuant to this section, the petitioner shall furnish to both the person or entity in possession of the monetary instruments and to the owner of the monetary instruments or funds, if known, either by certified mail, return receipt requested, or by personal service, a copy of the order entered pursuant to this section and a notice that the lawful owner of the monetary instruments or funds being enjoined may request a hearing to contest the order entered pursuant to this section by petitioning the court that issued the order. The notice must also advise that the hearing will be held within 3 days after the request or as soon as practicable thereafter and before the expiration of the temporary order. The notice must state that the hearing will be set and noticed by the person against whom the order is entered.

(h) Only the lawful owner or the account holder of the monetary instruments or funds being enjoined may request a hearing to contest the order entered pursuant to this section by petitioning the court that issued the order. A hearing must be held within 3 days after the request or as soon as practicable thereafter and before the expiration of the temporary order. The hearing must be set and noticed by the lawful owner of the monetary instruments or funds or his or her attorney. Notice of the hearing must be provided to the petitioner who procured the temporary injunction pursuant to the Florida Rules of Civil Procedure but not less than 24 hours before the scheduled hearing. The court may receive and consider at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Florida Rules of Evidence. A proceeding under this subsection is governed by the Florida Rules of Civil Procedure.

(9)(a) The petitioner may request issuance of a warrant authorizing the seizure of property, monetary instruments, or funds subject to civil forfeiture in the same manner as provided for search warrants in chapter 933.

(b) Any financial institution that receives a seizure warrant pursuant to paragraph (a), temporary injunction, or other court order, may deduct from the account the funds necessary to pay any electronic transaction presented for payment where the electronic transaction was initiated prior to the time the seizure order was served on the financial institution.

(10) Any financial institution, licensed money transmitter, or other person served with and complying with the terms of a warrant, temporary injunction, or other court order, including any subpoena issued under the authority granted by s. 16.56 or s. 27.04, obtained in furtherance of an investigation of any crime in this section, including any crime listed as specified unlawful activity under this section or any felony violation of chapter 560, has immunity from criminal liability and shall not be liable to any person for any lawful action taken in complying with the warrant, temporary injunction, or other court order, including any subpoena issued under the authority granted by s. 16.56 or s. 27.04. If any subpoena issued under the authority granted by s. 16.56 or s. 27.04 contains a nondisclosure provision, any financial institution, licensed money transmitter, employee or officer of a financial institution or licensed money transmitter, or any other person may not notify, directly or indirectly, any customer of that financial institution or licensed money transmitter whose records are being sought by the subpoena, or any other person named in the subpoena, about the existence or the contents of that subpoena or about information that has been furnished to the state attorney or statewide prosecutor who issued the subpoena or other law enforcement officer named in the subpoena in response to the subpoena.

(11) In any prosecution brought pursuant to chapter 896, the common law corpus delicti rule does not apply. The defendant's confession or

admission is admissible during trial without the state having to prove the corpus delicti if the court finds in a hearing conducted outside the presence of the jury that the defendant's confession or admission is trustworthy. Before the court admits the defendant's confession or admission, the state must prove by a preponderance of the evidence that there is sufficient corroborating evidence that tends to establish the trustworthiness of the statement by the defendant. Hearsay evidence is admissible during the presentation of evidence at the hearing. In making its determination, the court may consider all relevant corroborating evidence, including the defendant's statements.

Section 19. Section 896.103, Florida Statutes, is amended to read:

896.103 Transaction which constitutes separate offense.—Notwithstanding any other provision of law, for purposes of this section and ss. 896.101 and 896.102, each individual currency transaction exceeding \$10,000 which is made in violation of the provisions of s. 896.102(1) or each financial transaction in violation of the provisions of s. 896.101(3)(2) which involves the movement of funds in excess of \$10,000 shall constitute a separate, punishable offense.

Section 20. Section 896.104, Florida Statutes, is created to read:

896.104 Structuring transactions to evade reporting or registration requirements prohibited.—

(1) DEFINITIONS.—For purposes of this section, the terms "structure" or "structuring" mean that a person, acting alone, or in conjunction with, or on behalf of, other persons, conducts or attempts to conduct one or more transactions in currency, in any amount, at one or more financial institutions, on one or more days, in any manner, for the purpose of evading currency transaction reporting requirements provided by state or federal law. "In any manner" includes, but is not limited to, the breaking down of a single sum of currency exceeding \$10,000 into smaller sums, including sums at or below \$10,000, or the conduct of a transaction, or series of currency transactions, at or below \$10,000. The transaction or transactions need not exceed the \$10,000 reporting threshold at any single financial institution on any single day in order to meet the definition of "structure" or "structuring" provided in this subsection.

(2) DOMESTIC COIN AND CURRENCY TRANSACTIONS.—A person may not, for the purpose of evading the reporting and registration requirements of chapter 896, chapter 655, or chapter 560, or s. 5313(a) or s. 5325 of Title 31, United States Code, or any rules or regulations adopted under those chapters and sections, when some portion of the activity by that person occurs in this state:

(a) Cause or attempt to cause a person or financial institution in this state to fail to file an applicable report or registration required under those chapters and sections or any rule or regulation adopted under any of those chapters and sections;

(b) Cause or attempt to cause a person or financial institution in this state to file an applicable report required under those chapters and sections or any rule or regulation adopted under those chapters and sections which contains a material omission or misstatement of fact; or

(c) Structure or assist in structuring, or attempt to structure or assist in structuring, any financial transaction with or involving one or more financial institutions in this state.

(3) INTERNATIONAL MONETARY INSTRUMENT TRANSACTIONS.—A person may not, for the purpose of evading the reporting or registration requirements of chapter 896, chapter 655, or chapter 560, or s. 5316 of Title 31, United States Code, when some portion of the activity by that person occurs in this state:

(a) Fail to file an applicable registration or report required by those chapters and sections, or cause or attempt to cause a person to fail to file such a report;

(b) File or cause or attempt to cause a person to file an applicable registration or report required under those chapters and sections which contains a material omission or misstatement of fact; or

(c) Structure or assist in structuring, or attempt to structure or assist in structuring, any importation or exportation of currency or monetary instruments or funds to, from, or through financial institutions in this state.

(4) CRIMINAL PENALTIES.—

(a) A person who violates this section, if the violation involves:

1. Financial transactions exceeding \$300 but less than \$20,000 in any 12-month period, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Financial transactions totaling or exceeding \$20,000 but less than \$100,000 in any 12-month period, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Financial transactions totaling or exceeding \$100,000 in any 12-month period, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) In addition to the penalties authorized by s. 775.082, s. 775.083, or s. 775.084, a person who has been found guilty of or who has pleaded guilty or nolo contendere to having violated this section may be sentenced to pay a fine not exceeding \$250,000 or twice the value of the financial transactions, whichever is greater, except that for a second or subsequent violation of this section, the fine may be up to \$500,000 or quintuple the value of the financial transactions, whichever is greater.

(c) A person who violates this section is also liable for a civil penalty of not more than the value of the financial transactions involved or \$25,000, whichever is greater.

(5) INFERENCE.—Proof that a person engaged for monetary consideration in the business of a funds transmitter as defined in s. 560.103(9) and who is transporting more than \$10,000 in currency, or foreign equivalent, without being registered as a money transmitter or designated as an authorized vendor under the provisions of chapter 560, gives rise to an inference that the transportation was done with knowledge of the registration requirements of chapter 560 and the reporting requirements of this chapter.

(6) CONSTRUCTION.—This section may not be construed to require any new or additional reporting requirements on any entity obligated to file reports under state or federal law.

Section 21. Section 896.105, Florida Statutes, is created to read:

896.105 Penalty provisions not applicable to law enforcement.—The penalty provisions of this chapter, including those directed at reporting violations or the conduct or attempted conduct of unlawful financial transactions, the unlawful transportation or attempted transportation of monetary instruments, and the concealment of unlawful proceeds or their ownership are not applicable to law enforcement officers who engage in aspects of such activity for bona fide authorized undercover law enforcement purposes in the course of or in relation to an active criminal investigation, active criminal intelligence gathering, or active prosecution.

Section 22. Section 896.106, Florida Statutes, is created to read:

896.106 Fugitive disentitlement.—A person may not use the resources of the courts of this state in furtherance of a claim in any related civil forfeiture action or a claim in third-party proceeding in any related forfeiture action if that person purposely leaves the jurisdiction of this state or the United States; declines to enter or reenter this state to submit to its jurisdiction; or otherwise evades the jurisdiction of the court in which a criminal case is pending against the person.

Section 23. Section 896.107, Florida Statutes, is created to read:

896.107 Rewards for informants.—

(1) A law enforcement agency conducting any investigation of a violation of this chapter may pay a reward to an individual who provides original information that leads to a recovery of a criminal fine, civil penalty, or forfeiture.

(2) The law enforcement agency shall determine the amount of a reward under this section. The law enforcement agency may not pay more than the amount of reward authorized for similar activity by any federal law or guideline in effect at the time the information described in subsection (1) was provided.

(3) An officer or employee of the United States, a state or local government, or a foreign government who in the performance of official duties provides information described in subsection (1) is not eligible for a reward under this section.

(4) Payment of a reward does not affect the admissibility of testimony in any court proceeding.

Section 24. Paragraphs (g), (h), and (i) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(g) LEVEL 7
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
409.920(2)	3rd	Medicaid provider fraud.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.	893.13(1)(e)	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b), within 1,000 feet of property used for religious services or a specified business site.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.			
784.081(1)	1st	Aggravated battery on specified official or employee.	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
784.083(1)	1st	Aggravated battery on code inspector.			
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
790.16(1)	1st	Discharge of a machine gun under specified circumstances.	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
796.03	2nd	Procuring any person under 16 years for prostitution.			
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.	893.135 (1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.			(h) LEVEL 8
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.	316.193 (3)(c)3.a.	2nd	DUI manslaughter.
812.131(2)(a)	2nd	Robbery by sudden snatching.	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.	560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.	560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.	777.03(2)(a)	1st	Accessory after the fact, capital felony.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.	782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.			
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
872.06	2nd	Abuse of a dead human body.			
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b)) within 1,000 feet of a child care facility or school.	782.071(2)	1st	Committing vehicular homicide and failing to render aid or give information.
			782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
800.04(4)	2nd	Lewd or lascivious battery.	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.	896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.			(i) LEVEL 9
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.			
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.	316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
812.13(2)(b)	1st	Robbery with a weapon.	560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
812.135(2)	1st	Home-invasion robbery.	560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.	782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
860.16	1st	Aircraft piracy.	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).	787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.	790.161	1st	Attempted capital destructive device offense.
893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.	800.04(5)(b)	1st	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
893.135 (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.			
895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.			

Florida Statute	Felony Degree	Description
812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
827.03(2)	1st	Aggravated child abuse.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
896.101(5)(c)	1st	Money laundering, financial transactions totaling or exceeding \$100,000.
896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

Section 25. Section 943.032, Florida Statutes, is created to read:

943.032 Financial Crime Analysis Center and Financial Transaction Database.—

(1) There is created within the Florida Department of Law Enforcement a Financial Crime Analysis Center and a Financial Transaction Database.

(2) The department shall compile information and data available from financial transaction reports required to be submitted by state or federal law that are provided to the Department of Banking and Finance, to the Department of Revenue, or to which the department otherwise has access. Information and data so received shall be utilized by the department in the Financial Transaction Database. The department shall implement a system utilizing the database that allows data review and processing to reveal patterns, trends and correlations that are indicative of money laundering or other financial transactions indicative of criminal activity. The department shall, in consultation with the Department of Banking and Finance and the Department of Revenue, establish the methods and parameters by which information and data received by the Department of Banking and Finance or the Department of Revenue are transferred to the department for inclusion in the database. Information developed in or through the use of the database shall be made available to law enforcement agencies and prosecutors in this state in a manner defined by the department and as allowed by state or federal law or regulation. All information contained in the database shall be considered "active criminal intelligence" or "active criminal investigative information" as defined in s. 119.011.

(3) The Financial Crime Analysis Center shall analyze and develop information relating to money laundering, perform post-seizure analysis of currency and drug seizures in drug cases, and access information and data in the Financial Transaction Database for the purposes of assisting the department's drug and money laundering investigation and forfeiture efforts, assisting the efforts of law enforcement agencies and prosecutors in this state in investigating ongoing, organized drug trafficking and money laundering activities occurring within the state, and assisting the department in investigations of other financial transactions indicative of criminal activity. The center may perform proactive analyses of information and intelligence to assist in identifying those who may be engaging in money laundering, drug-related criminal activity, or other criminal activity involving financial transactions, but who have evaded detection, investigation, or prosecution.

Section 26. For fiscal year 2000-2001, 15 FTE and \$1,600,000 from the State Transportation Trust Fund are appropriated to the Department of Transportation, Office of Motor Carrier Compliance, for the purpose of creating a contraband interdiction program within the Office of Motor Carrier Compliance. The 15 FTE consists of seven certified K-9 handlers, seven felony officers, and one support staff. The teams are created to patrol major highway corridors and commercial weigh stations in order to reduce the flow of illicit drugs and illegal contraband on Florida's highway systems. The department shall seek additional funding from federal grants and forfeiture proceedings, and may amend its budget in accordance with the provisions of chapter 216, Florida Statutes.

Section 27. This act shall take effect July 1, 2000.

And the title is amended as follows:

On page 1, line 1 through page 4, line 22, remove from the title of the bill: all of said lines,

and insert in lieu thereof: An act relating to money laundering; creating s. 311.12, F.S.; providing for development and implementation of a statewide seaport security plan; providing for a fingerprint-based criminal history check of an applicant for employment and current employees at seaports; providing for inspections of seaports to determine compliance with minimum security standards and report of results of inspections performed; amending s. 560.103, F.S.; limiting the definition of the term "authorized vendor" as used in the Money Transmitters' Code to businesses located in this state; creating s. 560.1073, F.S.; providing criminal penalties for making or filing with the Department of Banking and Finance certain false or misleading statements or documents; amending s. 560.111, F.S.; reducing the department's burden of proving knowing intent to defraud; amending s. 560.114, F.S.; expanding the department's disciplinary authority; amending s. 560.117, F.S.; requiring the department to notify licensees suspected of certain code violations and permit such licensees to correct such violations before bringing disciplinary action; providing for an administrative fine; amending s. 560.118, F.S.; revising requirements for examinations, reports, and audits of money transmitters; providing a criminal penalty for violations of the section; amending s. 560.123, F.S.; revising standards for graduated penalties involving currency or payment instruments under the Florida Control of Money Laundering in Money Transmitters Act; providing that the common law corpus delicti rule does not apply to prosecutions under the Money Transmitters' Code; providing for admissibility of a defendant's confession under certain circumstances; amending s. 560.125, F.S.; providing graduated criminal penalties; increasing fines; providing for a civil penalty; providing that the common law corpus delicti rule does not apply to prosecutions under the Money Transmitters' Code; providing for admissibility of a defendant's confession under certain circumstances; amending s. 560.205, F.S.; requiring the submission of fingerprints by applicants for registration under the Payment Instruments and Funds Transmission Act; amending s. 560.211, F.S.; providing a criminal penalty for failing to comply with recordkeeping requirements; amending s. 560.306, F.S.; providing standards for qualifying for registration under the Check Cashing and Foreign Currency Exchange Act; amending s. 560.310, F.S.; providing a criminal penalty for failure to comply with recordkeeping requirements; amending s. 655.50, F.S.; revising standards for graduated penalties

involving monetary instruments under the Florida Control of Money Laundering in Financial Institutions Act; providing that the common law corpus delicti rule does not apply to prosecutions under the Money Transmitters' Code; providing for admissibility of a defendant's confession under certain circumstances; amending s. 893.145, F.S.; redefining the term "drug paraphernalia"; amending s. 893.147, F.S.; providing a criminal penalty for transportation of drug paraphernalia; amending s. 895.02, F.S.; expanding the definition of the term "racketeering activity"; amending s. 896.101, F.S.; redefining the terms "transaction" and "financial transaction"; defining the terms "knowing" and "petitioner"; providing that specific circumstances do not constitute a defense to a prosecution; providing for criminal penalties, fines, and civil penalties; providing for injunctions; providing for seizure warrants; providing for immunity from liability; providing that the common law corpus delicti rule does not apply to prosecutions under the Money Transmitters' Code; providing for admissibility of a defendant's confession under certain circumstances; amending s. 896.103, F.S.; conforming a statutory cross reference; creating ss. 896.104, 896.105, 896.106, and 896.107, F.S.; providing definitions; providing criminal penalties for evading reporting or registration requirements in specific financial transactions; providing exceptions for undercover law enforcement purposes; providing for fugitive disentitlement; providing for informant rewards; amending s. 921.0022, F.S.; adding specified monetary transactions to the Criminal Punishment Code offense severity ranking chart; creating s. 943.032, F.S.; creating the Financial Crimes Analysis Center and Financial Transaction Database within the Florida Department of Law Enforcement; providing requirements; providing for 15 FTE and \$1,600,000 from State Transportation Fund to the Department of Transportation, Office of Motor Carrier Compliance, to create contraband interdiction teams; specifying composition of FTE positions; specifying purpose of contraband interdiction teams; requiring the Department of Transportation to seek additional funding from federal grants and forfeiture proceedings; authorizing the Department of Transportation to amend its budget; providing an effective date.

Rep. Ball moved the adoption of the amendment.

Representative(s) Crow, Bitner, Henriquez, Sublette, Roberts, and Wiles offered the following:

(Amendment Bar Code: 281517)

Substitute Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 311.12, Florida Statutes, is created to read:

311.12 Seaport security.—

(1) The Office of Drug Control within the Executive Office of the Governor, in consultation with the Florida Seaport Transportation and Economic Development Council, and in conjunction with the Florida Department of Law Enforcement and local law enforcement agencies having primary authority over the affected seaports, shall develop, by January 1, 2001, a statewide security plan based upon the Florida Seaport Security Assessment 2000 conducted by the Office of Drug Control. Such plan shall establish statewide minimum standards for seaport security including the prevention of criminal activity including money laundering. The statewide seaport security plan shall identify the funding needs for security requirements of all relevant ports and shall recommend mechanisms to fund those needs including an analysis of the ability of seaports to provide funding for necessary improvements. The statewide seaport security plan shall be submitted to the Speaker of the House of Representatives and the President of the Senate and the chairs of the fiscal committees of the House of Representatives and Senate for review on or before January 1, 2001.

(2) All seaports, as identified pursuant to s. 311.09(1), in conjunction with and pending review and approval by the Office of Drug Control, within the Executive Office of the Governor, and the Florida Department of Law Enforcement, and in consultation with the Florida Seaport Transportation and Economic Development Council, shall no later than

January 31, 2001, develop and draft individual seaport security plans particular to the specific and identifiable needs of their respective seaports.

(a) Each seaport security plan shall adhere to the statewide minimum standards established pursuant to subsection (1).

(b) All such seaports shall allow unimpeded access to the affected ports for purposes of inspections by the Department of Law Enforcement as authorized by this section.

(3) A fingerprint-based criminal history check shall be performed on any applicant for employment or current employee, as designated by each security plan required by subsection (2), who will be working within the property of or have regular access to any seaport listed in s. 311.09(1). The costs of such checks shall be paid by the seaport or employing entity or any person so checked. The applicant or employee shall file a complete set of fingerprints taken in a manner required by the Department of Law Enforcement and the security plan. These fingerprints shall be submitted to the Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for federal processing. The results of the checks shall be reported to the seaports.

(4) The affected seaports shall implement the security plans developed under this section by April 30, 2002, contingent upon legislative approval of the statewide security plan established pursuant to subsection (1). The Department of Law Enforcement, or any entity selected by the department, shall conduct no less than once annually an unannounced inspection of each seaport listed in s. 311.09(1) to determine whether the seaport is meeting the minimum standards established under the authority of this section. The Department of Law Enforcement, in consultation with the Office of Drug Control within the Executive Office of the Governor, shall complete a report indicating the results of all such inspections conducted during the year and any suggestions or concerns developed by reason of such inspections by no later than December 31 of each year. A copy of the report shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chief administrator of each seaport inspected. The report shall, to the extent possible, include responses from the chief administrator of any seaport about which suggestions have been made or security concerns raised, indicating what actions, if any, have been taken or are planned to be taken in response to the suggestions or concerns noted.

(5) Nothing in this section shall be construed as preventing any seaport from implementing security measures that are more stringent, greater than, or supplemental to, the minimum standards established by this section.

Section 2. Subsection (2) of section 560.103, Florida Statutes, is amended to read:

560.103 Definitions.—As used in the code, unless the context otherwise requires:

(2) "Authorized vendor" means a person designated by a registrant to engage in the business of a money transmitter on behalf of the registrant at locations in this state pursuant to a written contract with the registrant.

Section 3. Section 560.1073, Florida Statutes, is created to read:

560.1073 False or misleading statements or supporting documents; penalty.—Any person who, personally or otherwise, files with the department, or signs as the duly authorized representative for filing with the department, any financial statement or any document in support thereof which is required by law or rule with intent to deceive and with knowledge that the statement or document is materially false or materially misleading commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. Subsection (1) of section 560.111, Florida Statutes, is amended to read:

560.111 Prohibited acts and practices.—

(1) It is unlawful for any money transmitter or money transmitter-affiliated party to:

(a) ~~Knowingly~~ Receive or possess itself of any property otherwise than in payment of a just demand, and, with intent to deceive or defraud, to omit to make or cause to be made a full and true entry thereof in its books and accounts, or to concur in omitting to make any material entry thereof;

(b) Embezzle, abstract, or misapply any money, property, or thing of value of the money transmitter or authorized vendor with intent to deceive or defraud such money transmitter or authorized vendor;

(c) Make any false entry in any book, report, or statement of such money transmitter or authorized vendor with intent to deceive or defraud such money transmitter, authorized vendor, or another person, or with intent to deceive the department, any other *state or federal* appropriate regulatory agency, or any authorized representative appointed to examine or investigate the affairs of such money transmitter or authorized vendor;

(d) Engage in an act that violates 18 U.S.C. s. 1956, 31 U.S.C. s. 5324, or any other law, *rule, or regulation* of another state or of the United States relating to the business of money transmission *or usury* which may cause the denial or revocation of a money transmitter license or registration in such jurisdiction;

(e) Deliver or disclose to the department or any of its employees any examination report, report of condition, report of income and dividends, audit, account, statement, or document known by it to be fraudulent or false as to any material matter; or

(f) ~~Knowingly~~ Place among the assets of such money transmitter or authorized vendor any note, obligation, or security that the money transmitter or authorized vendor does not own or that to the person's knowledge is fraudulent or otherwise worthless, or for any such person to represent to the department that any note, obligation, or security carried as an asset of such money transmitter or authorized vendor is the property of the money transmitter or authorized vendor and is genuine if it is known to such person that such representation is false or that such note, obligation, or security is fraudulent or otherwise worthless.

Section 5. Section 560.114, Florida Statutes, is amended to read:

560.114 Disciplinary actions.—

(1) The following actions by a money transmitter or money transmitter-affiliated party are violations of the code and constitute grounds for the issuance of a cease and desist order, the issuance of a removal order, the denial of a registration application or the suspension or revocation of any registration previously issued pursuant to the code, or the taking of any other action within the authority of the department pursuant to the code:

(a) ~~Knowing~~ Failure to comply with any provision of the code, any rule or order adopted pursuant thereto, or any written agreement entered into with the department.

(b) Fraud, misrepresentation, deceit, or gross negligence in any transaction involving money transmission, regardless of reliance thereon by, or damage to, a money transmitter customer.

(c) Fraudulent misrepresentation, circumvention, or concealment of any matter required to be stated or furnished to a money transmitter customer pursuant to the code, regardless of reliance thereon by, or damage to, such customer.

(d) False, deceptive, or misleading advertising ~~by a money transmitter or authorized vendor~~.

(e) Failure to maintain, preserve, and keep available for examination all books, accounts, or other documents required by the code, by any rule or order adopted pursuant to the code, or by any agreement entered into with the department.

~~(f) Any fact or condition that exists that, if it had existed or had been known to exist at the time the money transmitter applied for registration, would have been grounds for denial of registration.~~

~~(f)(g)~~ A willful Refusal to permit the examination or inspection of books and records in an investigation or examination by the department, pursuant to the provisions of the code, or to comply with a subpoena issued by the department.

~~(g)(h)~~ Failure of the money transmitter or authorized vendor to pay a judgment recovered in any court in this state by a claimant in an action arising out of a money transmission transaction within 30 days after the judgment becomes final.

~~(h)(i)~~ Engaging in ~~an a~~ prohibited act or practice *proscribed by s. 560.111*.

~~(i)(j)~~ Insolvency or operating in an unsafe and unsound manner.

~~(j)(k)~~ Failure by a money transmitter to remove a money transmitter-affiliated party after the department has issued and served upon the money transmitter a final order setting forth a finding that the money transmitter-affiliated party has ~~knowingly~~ violated any provision of the code.

~~(2) In addition to the acts specified in subsection (1), the following acts are grounds for denial of registration or for revocation, suspension, or restriction of registration previously granted:~~

~~(k)(a)~~ Making any A material misstatement or misrepresentation or committing any fraud ~~of fact~~ in an initial or renewal application for registration.

~~(l)(b)~~ Committing any act resulting in Having an application for registration, or a registration or its equivalent, to practice any profession or occupation *being* denied, suspended, revoked, or otherwise acted against by a registering authority in any jurisdiction *or a finding by an appropriate regulatory body of engaging in unlicensed activity as a money transmitter within any jurisdiction for fraud or dishonest dealing*.

~~(m)(c)~~ Committing any act resulting in Having a registration or its equivalent, or an application for registration, to practice any profession or occupation *being* denied, suspended, or otherwise acted against by a registering authority in any jurisdiction for a violation of 18 U.S.C. s. 1956, 31 U.S.C. s. 5324, or any other law, *rule, or regulation* of another state or of the United States relating to the business of money transmission *or usury* which may cause the denial or revocation of a money transmitter license or registration in such jurisdiction.

~~(n)(d)~~ Having been convicted of or found guilty of, or having pleaded guilty or nolo contendere to, *any felony or crime punishable by imprisonment of 1 year or more under the law of any state or of the United States which involves a crime involving* fraud, moral turpitude, or dishonest dealing, *without regard to whether a judgment of conviction has been entered by the court*.

~~(o)(e)~~ Having been convicted of or found guilty of, or having pleaded guilty or nolo contendere to, a crime under 18 U.S.C. s. 1956 or 31 U.S.C. s. 5324, *without regard to whether a judgment of conviction has been entered by the court*.

~~(p)~~ Having been convicted of or found guilty of, or having pleaded guilty or nolo contendere to, *misappropriation, conversion, or unlawful withholding of moneys that belong to others and were received in the conduct of the business of the money transmitter*.

~~(q)~~ Failure to inform the department in writing within 15 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, *any felony or crime punishable by imprisonment of 1 year or more under the law of any state or of the United States, or of any crime involving fraud, moral turpitude, or dishonest dealing, without regard to whether a judgment of conviction has been entered by the court*.

~~(r)~~ Aiding, assisting, procuring, advising, or abetting any person in violating a provision of this code or any order or rule of the department.

- (s) *Failure to timely pay any fee, charge, or fine under the code.*
- (t) *Failure to pay any judgment entered by any court within 30 days after the judgment becomes final.*
- (u) *Engaging or holding oneself out to be engaged in the business of a money transmitter without the proper registration.*
- (v)(f) Any action that would be grounds for denial of a registration or for revocation, suspension, or restriction of a registration previously granted under part III of this chapter.

(2) *The department may issue a cease and desist order or removal order, suspend or revoke any previously issued registration, or take any other action within the authority of the department against a money transmitter based on any fact or condition that exists and that, if it had existed or been known to exist at the time the money transmitter applied for registration, would have been grounds for denial of registration.*

(3) Each money transmitter is responsible for any act of its authorized vendors *if the money transmitter should have known of the act or*; if the money transmitter has actual knowledge that such act is a violation of the code and the money transmitter willfully allowed such act to continue. Such responsibility is limited to conduct engaged in by the authorized vendor pursuant to the authority granted to it by the money transmitter.

(4) *If a registration granted under this code expires or is surrendered by the registrant during the pendency of an administrative action under this code, the proceeding may continue as if the registration were still in effect.*

Section 6. Section 560.117, Florida Statutes, is amended to read:

560.117 Administrative fines; enforcement.—

(1) The department may, by complaint, initiate a proceeding pursuant to chapter 120 to impose an administrative fine against any person found to have violated any provision of the code or a cease and desist order of the department or any written agreement with the department. *However, the department shall give notice, in writing, if it suspects that the licensee has violated any of the following provisions of the code and shall give the licensee 15 days after actual notice is served on the person within which to correct the violation before bringing disciplinary action under the code:*

- (a) *Failure to timely pay any fee, charge, or fine under the code;*
- (b) *Failure to pay any judgment entered by any court within 30 days after the judgment becomes final;*
- (c) *Failure to notify the department of a change of control of a money transmitter as required by s. 560.127; or*
- (d) *Failure to notify the department of any change of address or fictitious name as required by s. 560.205. No such proceeding shall be initiated and no fine shall accrue pursuant to this section until after such person has been notified in writing of the nature of the violation and has been afforded a reasonable period of time, as set forth in the notice, to correct the violation and has failed to do so.*

Except as provided in this section, such fine may not exceed \$100 a day for each violation. The department may excuse any such fine with a showing of good cause by the person being fined.

(2) *If the department finds that one or more grounds exist for the suspension, revocation, or refusal to renew or continue a license or registration issued under this chapter, the department may, in addition to or in lieu of suspension, revocation, or refusal to renew or continue a license or registration, impose a fine in an amount up to \$10,000 for each violation of this chapter.*

(3)(2) *Notwithstanding any other provision of this section, the department may impose a fine not to exceed \$1,000 per day for each day that a person violates the code by engaging in the business of a money transmitter without being registered.*

(4)(3) Any administrative fine levied by the department may be enforced by the department by appropriate proceedings in the circuit court of the county in which such person resides or maintains a principal office. In any administrative or judicial proceeding arising under this section, a party may elect to correct the violation asserted by the department and, upon the party's doing so, any fine ceases to accrue; however, an election to correct the violation does not render moot any administrative or judicial proceeding.

Section 7. Section 560.118, Florida Statutes, is amended to read:

560.118 Examinations, reports, and internal audits; penalty.—

(1)(a) The department may conduct an examination of a money transmitter or authorized vendor by providing not less than 15 days' advance notice to the money transmitter or authorized vendor. *However, if the department suspects that the money transmitter or authorized vendor has violated any provisions of this code or any criminal laws of this state or of the United States or is engaging in an unsafe and unsound practice, the department may, at any time without advance notice, conduct an examination of all affairs, activities, transactions, accounts, business records, and assets of any money transmitter or any money transmitter-affiliated party for the protection of the public. For the purpose of examinations, the department may administer oaths and examine a money transmitter or any of its affiliated parties concerning their operations and business activities and affairs.*; ~~however, whenever the department has reason to believe that a money transmitter or authorized vendor is engaging in an unsafe and unsound practice, or has violated or is violating any provision of the code, the department may make an examination of such money transmitter or authorized vendor without providing advance notice.~~ The department may accept an audit or examination from any appropriate regulatory agency or from an independent third party with respect to the operations of a money transmitter or an authorized vendor. The department may also make a joint or concurrent examination with any ~~state or federal~~ appropriate regulatory agency. The department may furnish a copy of all examinations made of such money transmitter or authorized vendor to the money transmitter and any appropriate regulatory agency provided that such agency agrees to abide by the confidentiality provisions as set forth in chapter 119.

(b) *Persons subject to this chapter who are examined shall make available to the department or its examiners the accounts, records, documents, files, information, assets, and matters which are in their immediate possession or control and which relate to the subject of the examination. Those accounts, records, documents, files, information, assets, and matters not in their immediate possession shall be made available to the department or the department's examiners within 10 days after actual notice is served on such persons.*

(c)(b) ~~The department may require an examination or audit of a money transmitter required under this section may be performed or authorized vendor by an independent third party that has been approved by the department or by a certified public accountant authorized to do business in the United States. The examination of a money transmitter or authorized vendor required under this section may be performed by an independent third party that has been approved by the department or by a certified public accountant authorized to do business in the United States. The cost of such an independent examination or audit shall be directly borne by the money transmitter or authorized vendor.~~

(d)(e) The department may recover the costs of a regular examination and supervision of a money transmitter or authorized vendor; however, the department may not recover the costs of more than one examination in any 12-month period unless the department has determined that the money transmitter or authorized vendor is operating in an unsafe or unsound or unlawful manner.

(e)(d) The department may, by rule, set a maximum per-day examination cost for a regular examination. Such per-day cost may be less than that required to fully compensate the department for costs associated with the examination. For the purposes of this section, "costs" means the salary and travel expenses directly attributable to the field

staff examining the money transmitter or authorized vendor, and the travel expenses of any supervisory staff required as a result of examination findings. Reimbursement for such costs incurred under this subsection must be postmarked no later than 30 days after the date of receipt of a notice stating that such costs are due. The department may levy a late payment penalty of up to \$100 per day or part thereof that a payment is overdue, unless the late payment penalty is excused for good cause. In excusing any such late payment penalty, the department may consider the prior payment history of the money transmitter or authorized vendor.

(2)(a) *Annual financial reports that are required to be filed under the code or any rules adopted thereunder must be audited by an independent third party that has been approved by the department or by a certified public accountant authorized to do business in the United States. The money transmitter or authorized vendor shall directly bear the cost of the audit. This paragraph does not apply to any seller of payment instruments who can prove to the satisfaction of the department that it has a combined total of fewer than 50 employees and authorized vendors or that its annual payment instruments issued from its activities as a payment instrument seller are less than \$200,000.*

(b)(a) The department may, by rule, require each money transmitter or authorized vendor to submit quarterly reports to the department. The department may require that each report contain a declaration by an officer, or any other responsible person authorized to make such declaration, that the report is true and correct to the best of her or his knowledge and belief. Such report must include such information as the department by rule requires for that type of money transmitter.

(c)(b) The department may levy an administrative fine of up to \$100 per day for each day the report is past due, unless it is excused for good cause. In excusing any such administrative fine, the department may consider the prior payment history of the money transmitter or authorized vendor.

(3) *Any person who willfully violates this section or fails to comply with any lawful written demand or order of the department made under this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 8. Subsection (8) of section 560.123, Florida Statutes, is amended, and subsection (9) is added to said section, to read:

560.123 Florida control of money laundering in the Money Transmitters' Code; reports of transactions involving currency or monetary instruments; when required; purpose; definitions; penalties.—

(8)(a) Except as provided in paragraph (b), a person who willfully violates any provision of this section ~~or chapter 896~~ commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who willfully violates any provision of this section ~~or chapter 896~~, if the violation involves is:

1. ~~Currency or payment instruments Committed in furtherance of the commission of any other violation of any law of this state or committed as part of a pattern of illegal activity involving financial transactions~~ exceeding \$300 but less than \$20,000 in any 12-month period, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. ~~Currency or payment instruments totaling or Committed as part of a pattern of illegal activity involving financial transactions~~ exceeding \$20,000 but less than \$100,000 in any 12-month period, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. ~~Currency or payment instruments totaling or Committed as part of a pattern of illegal activity involving financial transactions~~ exceeding \$100,000 in any 12-month period, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) In addition to the penalties otherwise authorized by s. 775.082, s. 775.083, or s. 775.084, a person who has been convicted of or who has pleaded guilty or nolo contendere to having violated paragraph (b) may be sentenced to pay a fine not exceeding \$250,000 or twice the value of the ~~currency or payment instruments financial transaction~~, whichever is greater, except that on a second or subsequent conviction for or plea of guilty or nolo contendere to a violation of paragraph (b), the fine may be up to \$500,000 or quintuple the value of the ~~currency or payment instruments financial transaction~~, whichever is greater.

(d) A person who ~~willfully~~ violates this section ~~or chapter 896~~ is also liable for a civil penalty of not more than the greater of the value of the ~~currency or payment instruments financial transaction~~ involved or \$25,000. ~~However, such civil penalty shall not exceed \$100,000.~~

(9) *In any prosecution brought pursuant to this section, the common law corpus delicti rule does not apply. The defendant's confession or admission is admissible during trial without the state having to prove the corpus delicti if the court finds in a hearing conducted outside the presence of the jury that the defendant's confession or admission is trustworthy. Before the court admits the defendant's confession or admission, the state must prove by a preponderance of the evidence that there is sufficient corroborating evidence that tends to establish the trustworthiness of the statement by the defendant. Hearsay evidence is admissible during the presentation of evidence at the hearing. In making its determination, the court may consider all relevant corroborating evidence, including the defendant's statements.*

Section 9. Section 560.125, Florida Statutes, is amended to read:

560.125 Money transmitter business by unauthorized persons; penalties.—

(1) A person other than a registered money transmitter or authorized vendor may not engage in the business of a money transmitter in this state unless the person is exempted from the registration requirements of the code.

(2) No person shall act as a vendor of a money transmitter when such money transmitter is subject to registration under the code but has not registered. Any such person becomes the principal thereof, and no longer merely acts as a vendor, and such person is liable to the holder or remitter as a principal money transmitter.

(3) Any person whose substantial interests are affected by a proceeding brought by the department pursuant to the code may, pursuant to s. 560.113, petition any court to enjoin the person or activity that is the subject of the proceeding from violating any of the provisions of this section. For the purpose of this subsection, any money transmitter registered pursuant to the code, any person residing in this state, and any person whose principal place of business is in this state are presumed to be substantially affected. In addition, the interests of a trade organization or association are deemed substantially affected if the interests of any of its members are so affected.

(4) ~~Any person who violates the provisions of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~ The department may issue and serve upon any person who violates any of the provisions of this section a complaint seeking a cease and desist order in accordance with the procedures and in the manner prescribed by s. 560.112. The department may also impose an administrative fine pursuant to s. 560.117(3)(2) against any person who violates any of the provisions of this section.

(5) A person who violates this section, if the violation involves:

(a) *Currency or payment instruments exceeding \$300 but less than \$20,000 in any 12-month period, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(b) *Currency or payment instruments totaling or exceeding \$20,000 but less than \$100,000 in any 12-month period, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(c) *Currency or payment instruments totaling or exceeding \$100,000 in any 12-month period, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(6) *In addition to the penalties authorized by s. 775.082, s. 775.083, or s. 775.084, a person who has been found guilty of or who has pleaded guilty or nolo contendere to having violated this section may be sentenced to pay a fine not exceeding \$250,000 or twice the value of the currency or payment instruments, whichever is greater, except that on a second or subsequent violation of this section, the fine may be up to \$500,000 or quintuple the value of the currency or payment instruments, whichever is greater.*

(7) *A person who violates this section is also liable for a civil penalty of not more than the value of the currency or payment instruments involved or \$25,000, whichever is greater.*

(8) *In any prosecution brought pursuant to this section, the common law corpus delicti rule does not apply. The defendant's confession or admission is admissible during trial without the state having to prove the corpus delicti if the court finds in a hearing conducted outside the presence of the jury that the defendant's confession or admission is trustworthy. Before the court admits the defendant's confession or admission, the state must prove by a preponderance of the evidence that there is sufficient corroborating evidence that tends to establish the trustworthiness of the statement by the defendant. Hearsay evidence is admissible during the presentation of evidence at the hearing. In making its determination, the court may consider all relevant corroborating evidence, including the defendant's statements.*

Section 10. Section 560.205, Florida Statutes, is amended to read:

560.205 Qualifications of applicant for registration; contents.—

(1) To qualify for registration under this part, an applicant must demonstrate to the department such character and general fitness as to command the confidence of the public and warrant the belief that the registered business will be operated lawfully and fairly. *The department may investigate each applicant to ascertain whether the qualifications and requirements prescribed by this part have been met. The department's investigation may include a criminal background investigation of all controlling shareholders, principals, officers, directors, members and responsible persons of a funds transmitter and a payment instrument seller and all persons designated by a funds transmitter or payment instrument seller as an authorized vendor. Each controlling shareholder, principal, officer, director, member, and responsible person of a funds transmitter or payment instrument seller, unless the applicant is a publicly traded corporation, a subsidiary thereof, or a subsidiary of a bank or bank holding company, shall file a complete set of fingerprints taken by an authorized law enforcement officer. Such fingerprints must be submitted to the Department of Law Enforcement or the Federal Bureau of Investigation for state and federal processing. The department may waive by rule the requirement that applicants file a set of fingerprints or the requirement that such fingerprints be processed by the Department of Law Enforcement or the Federal Bureau of Investigation.*

(2) Each application for registration must be submitted under oath to the department on such forms as the department prescribes by rule and must be accompanied by a nonrefundable investigation fee. Such fee may not exceed \$500 and may be waived by the department for just cause. The application forms shall set forth such information as the department reasonably requires, including, but not limited to:

(a) The name and address of the applicant, including any fictitious or trade names used by the applicant in the conduct of its business.

(b) The history of the applicant's material litigation, criminal convictions, pleas of nolo contendere, and cases of adjudication withheld.

(c) A description of the activities conducted by the applicant, the applicant's history of operations, and the business activities in which the applicant seeks to engage in this state.

(d) A list identifying the applicant's proposed authorized vendors in this state, including the location or locations in this state at which the

applicant and its authorized vendors propose to conduct registered activities.

(e) A sample authorized vendor contract, if applicable.

(f) A sample form of payment instrument, if applicable.

(g) The name and address of the clearing financial institution or financial institutions through which the applicant's payment instruments will be drawn or through which such payment instruments will be payable.

(h) Documents revealing that the net worth and bonding requirements specified in s. 560.209 have been or will be fulfilled.

(3) Each application for registration by an applicant that is a corporation shall also set forth such information as the department reasonably requires, including, but not limited to:

(a) The date of the applicant's incorporation and state of incorporation.

(b) A certificate of good standing from the state or country in which the applicant was incorporated.

(c) A description of the corporate structure of the applicant, including the identity of any parent or subsidiary of the applicant, and the disclosure of whether any parent or subsidiary is publicly traded on any stock exchange.

(d) The name, business and residence addresses, and employment history for the past 5 years for each executive officer, each director, each controlling shareholder, and the responsible person who will be in charge of all the applicant's business activities in this state.

(e) The history of material litigation and criminal convictions, pleas of nolo contendere, and cases of adjudication withheld for each executive officer, each director, each controlling shareholder, and the responsible person who will be in charge of the applicant's registered activities.

(f) Copies of the applicant's audited financial statements for the current year and, if available, for the immediately preceding 2-year period. In cases where the applicant is a wholly owned subsidiary of another corporation, the parent's consolidated audited financial statements may be submitted to satisfy this requirement. An applicant who is not required to file audited financial statements may satisfy this requirement by filing unaudited financial statements verified under penalty of perjury, as provided by the department by rule.

(g) *An applicant who is not required to file audited financial statements may file copies of the applicant's unconsolidated, unaudited financial statements for the current year and, if available, for the immediately preceding 2-year period.*

(h) If the applicant is a publicly traded company, copies of all filings made by the applicant with the United States Securities and Exchange Commission, or with a similar regulator in a country other than the United States, within the year preceding the date of filing of the application.

(4) Each application for registration submitted to the department by an applicant that is not a corporation shall also set forth such information as the department reasonably requires, including, but not limited to:

(a) Evidence that the applicant is registered to do business in this state.

(b) The name, business and residence addresses, personal financial statement and employment history for the past 5 years for each individual having a controlling ownership interest in the applicant, and each responsible person who will be in charge of the applicant's registered activities.

(c) The history of material litigation and criminal convictions, pleas of nolo contendere, and cases of adjudication withheld for each individual having a controlling ownership interest in the applicant and

each responsible person who will be in charge of the applicant's registered activities.

(d) Copies of the applicant's audited financial statements for the current year, and, if available, for the preceding 2 years. *An The applicant who is not required to file audited financial statements may satisfy this requirement by filing unaudited financial statements verified under penalty of perjury, as provided by the department by rule.*

(5) Each applicant shall designate and maintain an agent in this state for service of process.

Section 11. Subsection (5) is added to section 560.211, Florida Statutes, to read:

560.211 Records.—

(5) *Any person who willfully fails to comply with this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 12. Section 560.306, Florida Statutes, is amended to read:

560.306 Standards.—

(1) *In order to qualify for registration under this part, an applicant must demonstrate to the department that he or she has such character and general fitness as will command the confidence of the public and warrant the belief that the registered business will be operated lawfully and fairly. The department may investigate each applicant to ascertain whether the qualifications and requirements prescribed by this part have been met. The department's investigation may include a criminal background investigation of all controlling shareholders, principals, officers, directors, members, and responsible persons of a check casher and a foreign currency exchanger and all persons designated by a foreign currency exchanger or check casher as an authorized vendor. Each controlling shareholder, principal, officer, director, members, and responsible person of a check casher or foreign currency exchanger, unless the applicant is a publicly traded corporation, a subsidiary thereof, or a subsidiary of a bank or bank holding company, shall file a complete set of fingerprints taken by an authorized law enforcement officer. Such fingerprints must be submitted to the Department of Law Enforcement or the Federal Bureau of Investigation for state and federal processing. The department may waive by rule the requirement that applicants file a set of fingerprints or the requirement that such fingerprints be processed by the Department of Law Enforcement or the Federal Bureau of Investigation.*

(2)(1) The department may deny registration if it finds that the applicant, or any money transmitter-affiliated party of the applicant, has been convicted of a *crime felony* involving moral turpitude in any jurisdiction or of a crime which, if committed in this state, would constitute a *crime felony* involving moral turpitude under the laws of this state. For the purposes of this part, a person shall be deemed to have been convicted of a crime if such person has either pleaded guilty to or been found guilty of a charge before a court or federal magistrate, or by the verdict of a jury, irrespective of the pronouncement of sentence or the suspension thereof. The department may take into consideration the fact that such plea of guilty, or such decision, judgment, or verdict, has been set aside, reversed, or otherwise abrogated by lawful judicial process or that the person convicted of the crime received a pardon from the jurisdiction where the conviction was entered or received a certificate pursuant to any provision of law which removes the disability under this part because of such conviction.

(3)(2) The department may deny an *initial* application for registration if the applicant or money transmitter-affiliated party of the applicant is the subject of a pending criminal prosecution or governmental enforcement action, in any jurisdiction, until the conclusion of such criminal prosecution or enforcement action.

(4)(3) Each registration application and renewal application must specify the location at which the applicant proposes to establish its principal place of business and any other location, including authorized vendors operating in this state. The registrant shall notify the

department of any changes to any such locations. Any registrant may satisfy this requirement by providing the department with a list of such locations, including all authorized vendors operating in this state, not less than annually. A registrant may not transact business as a check casher or a foreign currency exchanger except pursuant to the name under which it is registered.

(5)(4) Each applicant shall designate and maintain an agent in this state for service of process.

Section 13. Subsection (5) is added to section 560.310, Florida Statutes, to read:

560.310 Records of check cashers and foreign currency exchangers.—

(5) *Any person who willfully violates this section or fails to comply with any lawful written demand or order of the department made pursuant to this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

Section 14. Subsection (10) of section 655.50, Florida Statutes, is amended, and subsection (11) is added to said section, to read:

655.50 Florida Control of Money Laundering in Financial Institutions Act; reports of transactions involving currency or monetary instruments; when required; purpose; definitions; penalties.—

(10)(a) Except as provided in paragraph (b), a person who willfully violates any provision of this section, ~~chapter 896, or any similar state or federal law~~ is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who willfully violates ~~or knowingly causes another to violate any provision of this section, chapter 896, or any similar state or federal law,~~ when the violation *involves is:*

1. ~~Committed in furtherance of the commission of any other violation of Florida law; or~~

2. ~~Committed as part of a pattern of illegal activity involving~~ Financial transactions *totaling or exceeding \$300 but less than \$20,000* in any 12-month period, is guilty of a felony of the third degree, *punishable as provided in s. 775.082 or s. 775.083; or*

2.3. ~~Committed as part of a pattern of illegal activity involving~~ Financial transactions *totaling or exceeding \$20,000 but less than \$100,000* in any 12-month period is guilty of a felony of the second degree, *punishable as provided in s. 775.082 or s. 775.083; or*

3.4. ~~Committed as part of a pattern of illegal activity involving~~ Financial transactions *totaling or exceeding \$100,000* in any 12-month period is guilty of a felony of the first degree, *punishable as provided in s. 775.082 or s. 775.083.*

(c) In addition to the penalties otherwise authorized by ss. 775.082 and 775.083, a person who has been convicted of or who has pleaded guilty or nolo contendere to having violated paragraph (b) may be sentenced to pay a fine not exceeding \$250,000 or twice the value of the financial transaction, whichever is greater, except that on a second or subsequent conviction for or plea of guilty or nolo contendere to a violation of paragraph (b), the fine may be up to \$500,000 or quintuple the value of the financial transaction, whichever is greater.

(d) A *financial institution as defined in s. 655.005* ~~person~~ who willfully violates this section, ~~chapter 896, or any similar state or federal law~~ is also liable for a civil penalty of not more than the greater of the value of the financial transaction involved or \$25,000. However, the civil penalty may not exceed \$100,000.

(e) *A person other than a financial institution as defined in s. 655.005 who violates this section is also liable for a civil penalty of not more than the greater of the value of the financial transaction involved or \$25,000.*

(11) *In any prosecution brought pursuant to this section, the common law corpus delicti rule does not apply. The defendant's confession or admission is admissible during trial without the state having to prove*

the corpus delicti if the court finds in a hearing conducted outside the presence of the jury that the defendant's confession or admission is trustworthy. Before the court admits the defendant's confession or admission, the state must prove by a preponderance of the evidence that there is sufficient corroborating evidence that tends to establish the trustworthiness of the statement by the defendant. Hearsay evidence is admissible during the presentation of evidence at the hearing. In making its determination, the court may consider all relevant corroborating evidence, including the defendant's statements.

Section 15. Section 893.145, Florida Statutes, is amended to read:

893.145 "Drug paraphernalia" defined.—The term "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, *transporting*, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. Drug paraphernalia is deemed to be contraband which shall be subject to civil forfeiture. The term includes, but is not limited to:

- (1) Kits used, intended for use, or designed for use in the planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
- (2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- (3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
- (4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of, controlled substances.
- (5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
- (6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances.
- (7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, cannabis.
- (8) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances.
- (9) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
- (10) Containers and other objects used, intended for use, or designed for use in storing, ~~or~~ concealing, *or transporting* controlled substances.
- (11) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
- (12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body, such as:
 - (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls.
 - (b) Water pipes.
 - (c) Carburetion tubes and devices.

(d) Smoking and carburetion masks.

(e) Roach clips: meaning objects used to hold burning material, such as a cannabis cigarette, that has become too small or too short to be held in the hand.

(f) Miniature cocaine spoons, and cocaine vials.

(g) Chamber pipes.

(h) Carburetor pipes.

(i) Electric pipes.

(j) Air-driven pipes.

(k) Chillums.

(l) Bongs.

(m) Ice pipes or chillers.

Section 16. Section 893.147, Florida Statutes, is amended to read:

893.147 Use, possession, manufacture, delivery, *transportation*, or advertisement of drug paraphernalia.—

(1) USE OR POSSESSION OF DRUG PARAPHERNALIA.—It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia:

(a) To plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this chapter; or

(b) To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter.

Any person who violates this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.—It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used:

(a) To plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this act; or

(b) To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this act.

Any person who violates this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) DELIVERY OF DRUG PARAPHERNALIA TO A MINOR.—

(a) Any person 18 years of age or over who violates subsection (2) by delivering drug paraphernalia to a person under 18 years of age is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) It is unlawful for any person to sell or otherwise deliver hypodermic syringes, needles, or other objects which may be used, are intended for use, or are designed for use in parenterally injecting substances into the human body to any person under 18 years of age, except that hypodermic syringes, needles, or other such objects may be lawfully dispensed to a person under 18 years of age by a licensed practitioner, parent, or legal guardian or by a pharmacist pursuant to a valid prescription for same. Any person who violates the provisions of this paragraph is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) TRANSPORTATION OF DRUG PARAPHERNALIA.—It is unlawful to use, possess with the intent to use, or manufacture with the

intent to use drug paraphernalia, knowing or under circumstances in which one reasonably should know that it will be used to transport:

- (a) *A controlled substance in violation of this chapter; or*
- (b) *Contraband as defined in s. 932.701(2)(a)1.*

Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5)(4) **ADVERTISEMENT OF DRUG PARAPHERNALIA.**—It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 17. Paragraph (a) of subsection (1) of section 895.02, Florida Statutes, is amended to read:

895.02 Definitions.—As used in ss. 895.01-895.08, the term:

(1) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, or intimidate another person to commit:

(a) Any crime which is chargeable by indictment or information under the following provisions of the Florida Statutes:

1. Section 210.18, relating to evasion of payment of cigarette taxes.
2. Section 403.727(3)(b), relating to environmental control.
3. Section 414.39, relating to public assistance fraud.
4. Section 409.920, relating to Medicaid provider fraud.
5. Section 440.105 or s. 440.106, relating to workers' compensation.
6. Part IV of chapter 501, relating to telemarketing.
7. Chapter 517, relating to sale of securities and investor protection.
8. Section 550.235, s. 550.3551, or s. 550.3605, relating to dogracing and horseracing.
9. Chapter 550, relating to jai alai frontons.
10. Chapter 552, relating to the manufacture, distribution, and use of explosives.

11. *Chapter 560, relating to money transmitters, if the violation is punishable as a felony.*

~~12.41.~~ Chapter 562, relating to beverage law enforcement.

~~13.42.~~ Section 624.401, relating to transacting insurance without a certificate of authority, s. 624.437(4)(c)1., relating to operating an unauthorized multiple-employer welfare arrangement, or s. 626.902(1)(b), relating to representing or aiding an unauthorized insurer.

~~14.43.~~ Section 655.50, relating to reports of currency transactions, when such violation is punishable as a felony.

~~15.44.~~ Chapter 687, relating to interest and usurious practices.

~~16.45.~~ Section 721.08, s. 721.09, or s. 721.13, relating to real estate timeshare plans.

~~17.46.~~ Chapter 782, relating to homicide.

~~18.47.~~ Chapter 784, relating to assault and battery.

~~19.48.~~ Chapter 787, relating to kidnapping.

~~20.49.~~ Chapter 790, relating to weapons and firearms.

~~21.20.~~ Section 796.03, s. 796.04, s. 796.05, or s. 796.07, relating to prostitution.

~~22.21.~~ Chapter 806, relating to arson.

~~23.22.~~ Section 810.02(2)(c), relating to specified burglary of a dwelling or structure.

~~24.23.~~ Chapter 812, relating to theft, robbery, and related crimes.

~~25.24.~~ Chapter 815, relating to computer-related crimes.

~~26.25.~~ Chapter 817, relating to fraudulent practices, false pretenses, fraud generally, and credit card crimes.

~~27.26.~~ Chapter 825, relating to abuse, neglect, or exploitation of an elderly person or disabled adult.

~~28.27.~~ Section 827.071, relating to commercial sexual exploitation of children.

~~29.28.~~ Chapter 831, relating to forgery and counterfeiting.

~~30.29.~~ Chapter 832, relating to issuance of worthless checks and drafts.

~~31.30.~~ Section 836.05, relating to extortion.

~~32.31.~~ Chapter 837, relating to perjury.

~~33.32.~~ Chapter 838, relating to bribery and misuse of public office.

~~34.33.~~ Chapter 843, relating to obstruction of justice.

~~35.34.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06, or s. 847.07, relating to obscene literature and profanity.

~~36.35.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or s. 849.25, relating to gambling.

~~37.36.~~ Chapter 874, relating to criminal street gangs.

~~38.37.~~ Chapter 893, relating to drug abuse prevention and control.

~~39.38.~~ Chapter 896, relating to offenses related to financial transactions.

~~40.39.~~ Sections 914.22 and 914.23, relating to tampering with a witness, victim, or informant, and retaliation against a witness, victim, or informant.

~~41.40.~~ Sections 918.12 and 918.13, relating to tampering with jurors and evidence.

Section 18. Section 896.101, Florida Statutes, is amended to read:

~~896.101 *Florida Money Laundering Act; definitions; penalties; injunctions; seizure warrants; immunity* Offense of conduct of financial transaction involving proceeds of unlawful activity; penalties.—~~

~~(1) *This section may be cited as the "Florida Money Laundering Act."*~~

~~(2)(4) **DEFINITIONS.**—As used in this section, the term:~~

(a) "Knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity" means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under state or federal law, regardless of whether or not such activity is specified in paragraph (g).

(b) "Conducts" includes initiating, concluding, or participating in initiating or concluding a transaction.

(c) "Transaction" means a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, *use of a safety deposit box*, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected.

(d) "Financial transaction" means a transaction involving the movement of funds by wire or other means or involving one or more

monetary instruments, which in any way or degree affects commerce, or a transaction involving the transfer of title to any real property, vehicle, vessel, or aircraft, or a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, commerce in any way or degree.

(e) "Monetary instruments" means coin or currency of the United States or of any other country, travelers' checks, personal checks, bank checks, money orders, investment securities in bearer form or otherwise in such form that title thereto passes upon delivery, and negotiable instruments in bearer form or otherwise in such form that title thereto passes upon delivery.

(f) "Financial institution" means a financial institution as defined in 31 U.S.C. s. 5312 which institution is located in this state.

(g) "Specified unlawful activity" means any "racketeering activity" as defined in s. 895.02.

(h) "Knowing" means that a person knew; or, with respect to any transaction or transportation involving more than \$10,000 in U.S. currency or foreign equivalent, should have known after reasonable inquiry, unless the person has a duty to file a federal currency transaction report, IRS Form 8300, or a like report under state law and has complied with that reporting requirement in accordance with law.

(i) "Petitioner" means any local, county, state, or federal law enforcement agency; the Attorney General; any state attorney; or the statewide prosecutor.

(3)(2) It is unlawful a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for a person:

(a) Knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, to conduct or attempt to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity:

1. With the intent to promote the carrying on of specified unlawful activity; or

2. Knowing that the transaction is designed in whole or in part:

a. To conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

b. To avoid a transaction reporting requirement or money transmitters' registration requirement under state law.

(b) To transport or attempt to transport a monetary instrument or funds:

1. With the intent to promote the carrying on of specified unlawful activity; or

2. Knowing that the monetary instrument or funds involved in the transportation represent the proceeds of some form of unlawful activity and knowing that such transportation is designed in whole or in part:

a. To conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

b. To avoid a transaction reporting requirement or money transmitters' registration requirement under state law.

(c) To conduct or attempt to conduct a financial transaction which involves property or proceeds which an investigative or law enforcement officer, or someone acting under such officer's direction, represents as being derived from, or as being used to conduct or facilitate, specified unlawful activity, when the person's conduct or attempted conduct is undertaken with the intent:

1. To promote the carrying on of specified unlawful activity; or

2. To conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds or property believed to be the proceeds of specified unlawful activity; or

3. To avoid a transaction reporting requirement under state law.

~~(d) A person who violates this subsection is also liable for a civil penalty of not more than the greater of the value of the property, funds, or monetary instruments involved in the transaction or \$10,000.~~

(d)(e) For the purposes of this subsection, "investigative or law enforcement officer" means any officer of the State of Florida or political subdivision thereof, of the United States, or of any other state or political subdivision thereof, who is empowered by law to conduct, on behalf of the government, investigations of, or to make arrests for, offenses enumerated in this subsection or similar federal offenses.

(4) It does not constitute a defense to a prosecution for any violation of this chapter that:

(a) Any stratagem or deception, including the use of an undercover operative or law enforcement officer, was employed.

(b) A facility or an opportunity to engage in conduct in violation of this act was provided.

(c) A law enforcement officer, or person acting under direction of a law enforcement officer, solicited a person predisposed to engage in conduct in violation of any provision of this chapter to commit a violation of this chapter in order to gain evidence against that person, provided such solicitation would not induce an ordinary law-abiding person to violate this chapter.

This subsection does not preclude the defense of entrapment.

(5) A person who violates this section, if the violation involves:

(a) Financial transactions exceeding \$300 but less than \$20,000 in any 12-month period, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Financial transactions totaling or exceeding \$20,000 but less than \$100,000 in any 12-month period, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Financial transactions totaling or exceeding \$100,000 in any 12-month period, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) In addition to the penalties authorized by s. 775.082, s. 775.083, or s. 775.084, a person who has been found guilty of or who has pleaded guilty or nolo contendere to having violated this section may be sentenced to pay a fine not exceeding \$250,000 or twice the value of the financial transactions, whichever is greater, except that for a second or subsequent violation of this section, the fine may be up to \$500,000 or quintuple the value of the financial transactions, whichever is greater.

(7) A person who violates this section is also liable for a civil penalty of not more than the value of the financial transactions involved or \$25,000, whichever is greater.

(8)(a) If a person is alienating or disposing of monetary instruments or funds, or appears likely to or demonstrates an intent to alienate or dispose of monetary instruments or funds, used in violation of this section, chapter 560, s. 655.50, or any crime listed as specified unlawful activity under this section, or monetary instruments or funds that are traceable to any such violation, the petitioner may commence a civil action in any circuit court having jurisdiction where such monetary instruments or funds are located or have been deposited for a temporary injunction to prohibit any person from withdrawing, transferring, removing, dissipating, or disposing of any such monetary instruments or funds of equivalent value. The temporary injunction will be obtained pursuant to Florida Civil Rule of Procedure 1.610. This section governs all temporary injunctions obtained pursuant to this section and supercedes all other provisions of the rule that may be inconsistent with this section. The court shall take into account any anticipated impact the temporary injunction will have on innocent third parties or businesses, balanced against the petitioner's need to preserve the monetary instruments or funds.

(b) A temporary injunction must be granted without bond to the petitioner. However, the court may authorize a respondent to post a bond equal to the amount to be enjoined and to have the injunction dissolved.

(c) A temporary injunction is to be entered upon application of the petitioner, ex parte and without notice or opportunity for a hearing with respect to the monetary instruments or funds.

(d) Such a temporary order expires not more than 10 days after the date on which the order is served, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period.

(e) If at any time the petitioner discovers that the funds sought to be enjoined total less than \$10,000, the petitioner shall immediately inform the court and the court shall immediately dissolve the temporary injunction.

(f) At the termination of the temporary injunction or at any time before the termination of the temporary injunction, the petitioner may:

1. Obtain a warrant or other court order and seize the monetary instruments or funds and initiate a civil forfeiture action;

2. Obtain a warrant or other court order and seize the monetary instruments or funds for any subsequent criminal prosecution; or

3. Petition the court to extend the order for a period not longer than 10 days from the original order's termination date. At the end of the termination of the 10-day extension, the petitioner may take either of the steps outlined in subparagraph 1. or subparagraph 2. However, the petitioner may not be granted any additional extensions.

(g)1. Upon service of the temporary order served pursuant to this section, the petitioner shall immediately notify by certified mail, return receipt requested or by personal service, both the person or entity in possession of the monetary instruments or funds and the owner of the monetary instruments or funds if known, of the order entered pursuant to this section and that the lawful owner of the monetary instruments or funds being enjoined may request a hearing to contest and modify the order entered pursuant to this section by petitioning the court that issued the order, so that such notice is received within 72 hours.

2. The notice shall advise that the hearing shall be held within 3 days of the request and the notice must state that the hearing will be set and noticed by the person against whom the order is served.

3. The notice shall specifically state that the lawful owner has the right to produce evidence of legitimate business expenses, obligations and liabilities, including but not limited to, employee payroll expenses verified by current Department of Labor unemployment compensation rolls, employee workers' compensation insurance, employee health insurance, state and federal taxes, and regulatory or licensing fees only as may become due before the expiration of the temporary order.

4. Upon determination by the court that the such expenses are valid, payment of such expenses may be effected by the owner of the enjoined monetary instruments or funds only to the court ordered payees through court reviewed checks, issued by the owner of and the person or entity in possession of the enjoined monetary instruments or funds. Upon presentment, the person or entity in possession of the enjoined funds or monetary instruments shall only honor the payment of the check to the court ordered payee.

(h) Only the lawful owner or the account holder of the monetary instruments or funds being enjoined may request a hearing to contest the order entered pursuant to this section by petitioning the court that issued the order. A hearing must be held within 3 days after the request or as soon as practicable thereafter and before the expiration of the temporary order. The hearing must be set and noticed by the lawful owner of the monetary instruments or funds or his or her attorney. Notice of the hearing must be provided to the petitioner who procured the temporary injunction pursuant to the Florida Rules of Civil Procedure but not less than 24 hours before the scheduled hearing. The court may receive and consider at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Florida Rules of

Evidence. A proceeding under this subsection is governed by the Florida Rules of Civil Procedure.

(9)(a) The petitioner may request issuance of a warrant authorizing the seizure of property, monetary instruments, or funds subject to civil forfeiture in the same manner as provided for search warrants in chapter 933.

(b) Any financial institution that receives a seizure warrant pursuant to paragraph (a), temporary injunction, or other court order, may deduct from the account the funds necessary to pay any electronic transaction or check presented for payment where the electronic transaction was initiated or the check deposited prior to the time the seizure order was served on the financial institution.

(10) Any financial institution, licensed money transmitter, or other person served with and complying with the terms of a warrant, temporary injunction, or other court order, including any subpoena issued under the authority granted by s. 16.56 or s. 27.04, obtained in furtherance of an investigation of any crime in this section, including any crime listed as specified unlawful activity under this section or any felony violation of chapter 560, has immunity from criminal liability and shall not be liable to any person for any lawful action taken in complying with the warrant, temporary injunction, or other court order, including any subpoena issued under the authority granted by s. 16.56 or s. 27.04. If any subpoena issued under the authority granted by s. 16.56 or s. 27.04 contains a nondisclosure provision, any financial institution, licensed money transmitter, employee or officer of a financial institution or licensed money transmitter, or any other person may not notify, directly or indirectly, any customer of that financial institution or licensed money transmitter whose records are being sought by the subpoena, or any other person named in the subpoena, about the existence or the contents of that subpoena or about information that has been furnished to the state attorney or statewide prosecutor who issued the subpoena or other law enforcement officer named in the subpoena in response to the subpoena.

(11) In any prosecution brought pursuant to chapter 896, the common law corpus delicti rule does not apply. The defendant's confession or admission is admissible during trial without the state having to prove the corpus delicti if the court finds in a hearing conducted outside the presence of the jury that the defendant's confession or admission is trustworthy. Before the court admits the defendant's confession or admission, the state must prove by a preponderance of the evidence that there is sufficient corroborating evidence that tends to establish the trustworthiness of the statement by the defendant. Hearsay evidence is admissible during the presentation of evidence at the hearing. In making its determination, the court may consider all relevant corroborating evidence, including the defendant's statements.

Section 19. Section 896.103, Florida Statutes, is amended to read:

896.103 Transaction which constitutes separate offense.—Notwithstanding any other provision of law, for purposes of this section and ss. 896.101 and 896.102, each individual currency transaction exceeding \$10,000 which is made in violation of the provisions of s. 896.102(1) or each financial transaction in violation of the provisions of s. 896.101(3)(2) which involves the movement of funds in excess of \$10,000 shall constitute a separate, punishable offense.

Section 20. Section 896.104, Florida Statutes, is created to read:

896.104 Structuring transactions to evade reporting or registration requirements prohibited.—

(1) DEFINITIONS.—For purposes of this section, the terms "structure" or "structuring" mean that a person, acting alone, or in conjunction with, or on behalf of, other persons, conducts or attempts to conduct one or more transactions in currency, in any amount, at one or more financial institutions, on one or more days, in any manner, for the purpose of evading currency transaction reporting requirements provided by state or federal law. "In any manner" includes, but is not limited to, the breaking down of a single sum of currency exceeding \$10,000 into smaller sums, including sums at or below \$10,000, or the conduct of a transaction, or series of currency transactions, at or below \$10,000. The transaction or transactions need not exceed the \$10,000

reporting threshold at any single financial institution on any single day in order to meet the definition of "structure" or "structuring" provided in this subsection.

(2) **DOMESTIC COIN AND CURRENCY TRANSACTIONS.**—A person may not, for the purpose of evading the reporting and registration requirements of chapter 896, chapter 655, or chapter 560, or s. 5313(a) or s. 5325 of Title 31, United States Code, or any rules or regulations adopted under those chapters and sections, when some portion of the activity by that person occurs in this state:

(a) Cause or attempt to cause a person or financial institution in this state to fail to file an applicable report or registration required under those chapters and sections or any rule or regulation adopted under any of those chapters and sections;

(b) Cause or attempt to cause a person or financial institution in this state to file an applicable report required under those chapters and sections or any rule or regulation adopted under those chapters and sections which contains a material omission or misstatement of fact; or

(c) Structure or assist in structuring, or attempt to structure or assist in structuring, any financial transaction with or involving one or more financial institutions in this state.

(3) **INTERNATIONAL MONETARY INSTRUMENT TRANSACTIONS.**—A person may not, for the purpose of evading the reporting or registration requirements of chapter 896, chapter 655, or chapter 560, or s. 5316 of Title 31, United States Code, when some portion of the activity by that person occurs in this state:

(a) Fail to file an applicable registration or report required by those chapters and sections, or cause or attempt to cause a person to fail to file such a report;

(b) File or cause or attempt to cause a person to file an applicable registration or report required under those chapters and sections which contains a material omission or misstatement of fact; or

(c) Structure or assist in structuring, or attempt to structure or assist in structuring, any importation or exportation of currency or monetary instruments or funds to, from, or through financial institutions in this state.

(4) **CRIMINAL PENALTIES.**—

(a) A person who violates this section, if the violation involves:

1. Financial transactions exceeding \$300 but less than \$20,000 in any 12-month period, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Financial transactions totaling or exceeding \$20,000 but less than \$100,000 in any 12-month period, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Financial transactions totaling or exceeding \$100,000 in any 12-month period, commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) In addition to the penalties authorized by s. 775.082, s. 775.083, or s. 775.084, a person who has been found guilty of or who has pleaded guilty or nolo contendere to having violated this section may be sentenced to pay a fine not exceeding \$250,000 or twice the value of the financial transactions, whichever is greater, except that for a second or subsequent violation of this section, the fine may be up to \$500,000 or quintuple the value of the financial transactions, whichever is greater.

(c) A person who violates this section is also liable for a civil penalty of not more than the value of the financial transactions involved or \$25,000, whichever is greater.

(5) **INFERENCE.**—Proof that a person engaged for monetary consideration in the business of a funds transmitter as defined in s. 560.103(9) and who is transporting more than \$10,000 in currency, or foreign equivalent, without being registered as a money transmitter or designated as an authorized vendor under the provisions of chapter 560,

gives rise to an inference that the transportation was done with knowledge of the registration requirements of chapter 560 and the reporting requirements of this chapter.

(6) **CONSTRUCTION.**—This section may not be construed to require any new or additional reporting requirements on any entity obligated to file reports under state or federal law.

Section 21. Section 896.105, Florida Statutes, is created to read:

896.105 Penalty provisions not applicable to law enforcement.—The penalty provisions of this chapter, including those directed at reporting violations or the conduct or attempted conduct of unlawful financial transactions, the unlawful transportation or attempted transportation of monetary instruments, and the concealment of unlawful proceeds or their ownership are not applicable to law enforcement officers who engage in aspects of such activity for bona fide authorized undercover law enforcement purposes in the course of or in relation to an active criminal investigation, active criminal intelligence gathering, or active prosecution.

Section 22. Section 896.106, Florida Statutes, is created to read:

896.106 Fugitive disentitlement.—A person may not use the resources of the courts of this state in furtherance of a claim in any related civil forfeiture action or a claim in third-party proceeding in any related forfeiture action if that person purposely leaves the jurisdiction of this state or the United States; declines to enter or reenter this state to submit to its jurisdiction; or otherwise evades the jurisdiction of the court in which a criminal case is pending against the person.

Section 23. Section 896.107, Florida Statutes, is created to read:

896.107 Rewards for informants.—

(1) A law enforcement agency conducting any investigation of a violation of this chapter may pay a reward to an individual who provides original information that leads to a recovery of a criminal fine, civil penalty, or forfeiture.

(2) The law enforcement agency shall determine the amount of a reward under this section. The law enforcement agency may not pay more than the amount of reward authorized for similar activity by any federal law or guideline in effect at the time the information described in subsection (1) was provided.

(3) An officer or employee of the United States, a state or local government, or a foreign government who in the performance of official duties provides information described in subsection (1) is not eligible for a reward under this section.

(4) Payment of a reward does not affect the admissibility of testimony in any court proceeding.

Section 24. Paragraphs (g), (h), and (i) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) **OFFENSE SEVERITY RANKING CHART**

Florida Statute	Felony Degree	Description
(g) LEVEL 7		
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
409.920(2)	3rd	Medicaid provider fraud.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.	812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	812.131(2)(a)	2nd	Robbery by sudden snatching.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.	872.06	2nd	Abuse of a dead human body.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b)) within 1,000 feet of a child care facility or school.
784.081(1)	1st	Aggravated battery on specified official or employee.	893.13(1)(e)	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b), within 1,000 feet of property used for religious services or a specified business site.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
784.083(1)	1st	Aggravated battery on code inspector.	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
790.16(1)	1st	Discharge of a machine gun under specified circumstances.	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
796.03	2nd	Procuring any person under 16 years for prostitution.	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
896.104(4)(a)1.	3rd	<i>Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.</i>	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
		(h) LEVEL 8	860.16	1st	Aircraft piracy.
316.193 (3)(c)3.a.	2nd	DUI manslaughter.	893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
560.123(8)(b)2.	2nd	<i>Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.</i>	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
560.125(5)(b)	2nd	<i>Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.</i>	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
655.50(10)(b)2.	2nd	<i>Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.</i>	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
777.03(2)(a)	1st	Accessory after the fact, capital felony.	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.	893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).	893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
782.071(2)	1st	Committing vehicular homicide and failing to render aid or give information.	893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.	893.135 (1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
800.04(4)	2nd	Lewd or lascivious battery.	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.	896.101(5)(b)	2nd	<i>Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.</i>
810.02(2)(a)	1st,PBL	Burglary with assault or battery.	896.104(4)(a)2.	2nd	<i>Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.</i>
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.			(i) LEVEL 9
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.	316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
812.13(2)(b)	1st	Robbery with a weapon.	560.123(8)(b)3.	1st	<i>Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.</i>
812.135(2)	1st	Home-invasion robbery.	560.125(5)(c)	1st	<i>Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.</i>
825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.	655.50(10)(b)3.	1st	<i>Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.</i>
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.			
837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.			

Florida Statute	Felony Degree	Description
782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
790.161	1st	Attempted capital destructive device offense.
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
800.04(5)(b)	1st	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
827.03(2)	1st	Aggravated child abuse.
847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.

Florida Statute	Felony Degree	Description
893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

Section 25. Section 943.032, Florida Statutes, is created to read:

943.032 Financial Crime Analysis Center and Financial Transaction Database.—

(1) There is created within the Florida Department of Law Enforcement a Financial Crime Analysis Center and a Financial Transaction Database.

(2) The department shall compile information and data available from financial transaction reports required to be submitted by state or federal law that are provided to the Department of Banking and Finance, to the Department of Revenue, or to which the department otherwise has access. Information and data so received shall be utilized by the department in the Financial Transaction Database. The department shall implement a system utilizing the database that allows data review and processing to reveal patterns, trends and correlations that are indicative of money laundering or other financial transactions indicative of criminal activity. The department shall, in consultation with the Department of Banking and Finance and the Department of Revenue, establish the methods and parameters by which information and data received by the Department of Banking and Finance or the Department of Revenue are transferred to the department for inclusion in the database. Information developed in or through the use of the database shall be made available to law enforcement agencies and prosecutors in this state in a manner defined by the department and as allowed by state or federal law or regulation. All information contained in the database shall be considered "active criminal intelligence" or "active criminal investigative information" as defined in s. 119.011.

(3) The Financial Crime Analysis Center shall analyze and develop information relating to money laundering, perform post-seizure analysis of currency and drug seizures in drug cases, and access information and data in the Financial Transaction Database for the purposes of assisting the department's drug and money laundering investigation and forfeiture efforts, assisting the efforts of law enforcement agencies and prosecutors in this state in investigating ongoing, organized drug trafficking and money laundering activities occurring within the state, and assisting the department in investigations of other financial transactions indicative of criminal activity. The center may perform proactive analyses of information and intelligence to assist in identifying those who may be engaging in money laundering, drug-related criminal activity, or other criminal activity involving financial transactions, but who have evaded detection, investigation, or prosecution.

Section 26. For fiscal year 2000-2001, 15 FTE and \$1,600,000 from the State Transportation Trust Fund are appropriated to the Department of Transportation, Office of Motor Carrier Compliance, for the purpose of creating a contraband interdiction program within the Office of Motor Carrier Compliance. The 15 FTE consists of seven certified K-9 handlers, seven felony officers, and one support staff. The teams are created to patrol major highway corridors and commercial weigh stations in order to reduce the flow of illicit drugs and illegal contraband on Florida's highway systems. The department shall seek additional funding from federal grants and forfeiture proceedings, and may amend its budget in accordance with the provisions of chapter 216, Florida Statutes.

Section 27. This act shall take effect July 1, 2000.

And the title is amended as follows:

On page 1, line 2, through page 4, line 22,
remove from the title of the bill: all of said lines,

and insert in lieu thereof: An act relating to money laundering; creating s. 311.12, F.S.; providing for development and implementation of a statewide seaport security plan; providing for a fingerprint-based criminal history check of an applicant for employment and current employees at seaports; providing for inspections of seaports to determine compliance with minimum security standards and report of results of inspections performed; amending s. 560.103, F.S.; limiting the definition of the term "authorized vendor" as used in the Money Transmitters' Code to businesses located in this state; creating s. 560.1073, F.S.; providing criminal penalties for making or filing with the Department of Banking and Finance certain false or misleading statements or documents; amending s. 560.111, F.S.; reducing the department's burden of proving knowing intent to defraud; amending s. 560.114, F.S.; expanding the department's disciplinary authority; amending s. 560.117, F.S.; requiring the department to notify licensees suspected of certain code violations and permit such licensees to correct such violations before bringing disciplinary action; providing for an administrative fine; amending s. 560.118, F.S.; revising requirements for examinations, reports, and audits of money transmitters; providing a criminal penalty for violations of the section; amending s. 560.123, F.S.; revising standards for graduated penalties involving currency or payment instruments under the Florida Control of Money Laundering in Money Transmitters Act; providing that the common law corpus delicti rule does not apply to prosecutions under the Money Transmitters' Code; providing for admissibility of a defendant's confession under certain circumstances; amending s. 560.125, F.S.; providing graduated criminal penalties; increasing fines; providing for a civil penalty; providing that the common law corpus delicti rule does not apply to prosecutions under the Money Transmitters' Code; providing for admissibility of a defendant's confession under certain circumstances; amending s. 560.205, F.S.; requiring the submission of fingerprints by applicants for registration under the Payment Instruments and Funds Transmission Act; amending s. 560.211, F.S.; providing a criminal penalty for failing to comply with recordkeeping requirements; amending s. 560.306, F.S.; providing standards for qualifying for registration under the Check Cashing and Foreign Currency Exchange Act; amending s. 560.310, F.S.; providing a criminal penalty for failure to comply with recordkeeping requirements; amending s. 655.50, F.S.; revising standards for graduated penalties involving financial transactions under the Florida Control of Money Laundering in Financial Institutions Act; providing that the common law corpus delicti rule does not apply to prosecutions under the Money Transmitters' Code; providing for admissibility of a defendant's confession under certain circumstances; amending s. 893.145, F.S.; redefining the term "drug paraphernalia"; amending s. 893.147, F.S.; providing a criminal penalty for transportation of drug paraphernalia; amending s. 895.02, F.S.; expanding the definition of the term "racketeering activity"; amending s. 896.101, F.S.; redefining the terms "transaction" and "financial transaction"; defining the terms "knowing" and "petitioner"; providing that specific circumstances do not constitute a defense to a prosecution; providing for criminal penalties, fines, and civil penalties; providing for injunctions; providing for seizure warrants; providing for immunity from liability; providing that the common law corpus delicti rule does not apply to prosecutions under the Money Transmitters' Code; providing for admissibility of a defendant's confession under certain circumstances; amending s. 896.103, F.S.; conforming a statutory cross reference; creating ss. 896.104, 896.105, 896.106, and 896.107, F.S.; providing definitions; providing criminal penalties for evading reporting or registration requirements in specific financial transactions; providing exceptions for undercover law enforcement purposes; providing for fugitive disentitlement; providing for informant rewards; amending s. 921.0022, F.S.; adding specified monetary transactions to the Criminal Punishment Code offense severity ranking chart; creating s. 943.032, F.S.; creating the Financial Crimes Analysis Center and Financial Transaction Database within the Florida Department of Law Enforcement; providing requirements; providing for 15 FTE and \$1,600,000 the from State Transportation Fund to the Department of Transportation, Office of Motor Carrier Compliance, to create contraband interdiction teams; specifying

composition of FTE positions; specifying purpose of contraband interdiction teams; requiring the Department of Transportation to seek additional funding from federal grants and forfeiture proceedings; authorizing the Department of Transportation to amend its budget; providing an effective date.

Rep. Crow moved the adoption of the substitute amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 1619 was taken up. On motion by Rep. K. Smith, the rules were suspended and SB 1260 was substituted for HB 1619. Under Rule 50, the House bill was laid on the table and—

SB 1260—A bill to be entitled An act relating to trust funds; creating s. 339.082, F.S.; creating the Federal Law Enforcement Trust Fund within the Department of Transportation; providing for sources of funds; exempting the trust fund from various service charges; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; amending s. 932.7055, F.S., relating to duties of the department with respect to the deposit of certain moneys, to conform; providing an expiration date and a contingent effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

HB 1621 was taken up. On motion by Rep. K. Smith, the rules were suspended and SB 1256 was substituted for HB 1621. Under Rule 50, the House bill was laid on the table and—

SB 1256—A bill to be entitled An act relating to public records exemptions; creating s. 311.13, F.S.; exempting specified information relating to seaports from public records requirements; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

HB 1939 was taken up. On motion by Rep. Crow, the rules were suspended and CS for CS for SB 1262 was substituted for HB 1939. Under Rule 50, the House bill was laid on the table and—

CS for CS for SB 1262—A bill to be entitled An act relating to the confidentiality of information concerning investigations conducted under the Money Transmitters' Code; amending s. 560.129, F.S.; providing that information concerning investigations or examinations conducted by the Department of Banking and Finance are confidential and exempt from disclosure under the public records law; deleting certain restrictions placed on access to hearings, proceedings, and related documents of the department; revising certain limitations on the disclosure of consumer complaints and other information concerning an investigation or examination; deleting certain limitations placed on the disclosure of reports prepared by, or for the use of, the Department of Banking and Finance; providing for the disclosure of records or information to certain parties approved by the department to conduct examinations; providing a finding of public necessity; providing an effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

CS/HB 1097—A bill to be entitled An act relating to filing of campaign treasurer's reports; creating s. 106.0705, F.S.; requiring campaign treasurer's reports that are to be filed with the Division of Elections to be filed electronically when aggregate contributions or expenditures exceed a specified amount; providing filing requirements; providing penalties; providing rulemaking authority; amending s. 106.04, F.S., relating to committees of continuous existence, to conform; removing requirement for duplicate copies of reports; amending s. 106.07, F.S., relating to campaign treasurer's reports; removing requirement for duplicate reports; revising reporting periods and requirements; amending s. 106.12, F.S.; providing for a petty cash fund

based on the revised reporting periods; amending s. 106.29, F.S., relating to reports by political parties; removing requirement for duplicate reports; revising reporting periods and requirements, to conform; amending ss. 105.08, 106.025, 106.08, and 106.18, F.S., relating to reporting requirements applicable to candidates for retention to judicial office, campaign fund raisers held on behalf of a political party by its state or county executive committee, nonallocable, in-kind contributions by candidates and political parties, and the granting of certificates of election, to conform; providing effective dates.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

HB 1099—A bill to be entitled An act relating to public records; creating s. 106.0706, F.S.; providing exemptions from public records requirements for personal identification numbers and computer security algorithms required to maintain the security of information submitted or received through an electronic filing system for campaign treasurer's reports; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

HB 2377—A bill to be entitled An act relating to the state budgetary process; revising procedures used in submitting and reviewing requests for state funds; amending s. 216.011, F.S.; revising, deleting, and adding definitions; creating s. 216.013, F.S.; requiring agencies to develop long-range program plans and providing requirements with respect thereto, including submission, review, and revision requirements; amending s. 216.015, F.S.; revising legislative findings and duties of the Executive Office of the Governor relating to the capital facilities planning and budgeting process; amending s. 216.0152, F.S.; changing the date for submitting to the Governor the annual updated report on the state facilities inventory; amending s. 216.0158, F.S.; revising reporting times and procedures relating to assessment of facility needs; amending s. 216.016, F.S.; requiring additional information in the Governor's recommended budget; amending s. 216.0166, F.S.; conforming terminology; providing for identification and submission of proposed programs and associated performance measures of the judicial branch; providing for approval and revision of such programs and performance measures; amending s. 216.0172, F.S.; revising a date for submission of performance-based budget requests by new agencies; excluding the judicial branch from such submission requirements; providing a schedule for submission of a performance-based program budget request by the judicial branch; amending s. 216.023, F.S.; revising the date and requirements for submission of final legislative budget requests to the Legislature; deleting obsolete provisions relating to agencies subject to agency evaluation and justification review; amending s. 216.0235, F.S.; conforming the submission date for legislative program budget requests; conforming references, terminology, and dates; amending s. 216.031, F.S., to create s. 216.0312, F.S., therefrom; separating target budget request provisions from provisions relating to legislative budget requests; amending s. 216.044, F.S.; revising procedures relating to budget evaluation by the Department of Management Services; amending s. 216.0446, F.S.; placing the Technology Review Workgroup within the Legislature and revising procedures relating to review of information resources management needs; conforming terminology; amending s. 216.052, F.S.; conforming terminology; amending s. 216.081, F.S.; revising the schedule for submission of estimates of financial needs of the judicial and legislative branches for the ensuing fiscal year; amending s. 216.131, F.S.; revising requirements and procedures relating to public hearings on legislative budgets; amending s. 216.133, F.S.; revising, deleting, and adding definitions relating to consensus estimating conferences; amending s. 216.134, F.S.; revising procedures to be used by estimating conferences; amending s. 216.136, F.S.; revising duties of the Economic Estimating Conference; revising principals of the Education Estimating Conference and the Occupational Forecasting Conference; abolishing the Transportation Estimating Conference; creating the Self-Insurance Estimating Conference and the Florida Retirement System Actuarial Assumption Conference; amending s. 216.141, F.S.; revising provisions relating to the planning and budgeting system; amending s. 216.162, F.S.; revising

procedures relating to furnishing legislators with copies of the Governor's recommended budget; amending s. 216.163, F.S.; revising provisions relating to form and content of the Governor's recommended budget; amending s. 216.177, F.S.; revising provisions relating to appropriations acts to delete the requirement of a statement of intent and modify provisions relating to required notices of budgetary action; amending s. 216.178, F.S.; requiring additional notice before the vote on an appropriations act; deleting duty of the Governor to submit the statement of costs of new state debts and obligations; amending s. 216.179, F.S.; prohibiting reinstatement by a state agency of vetoed appropriations administratively; amending s. 216.181, F.S.; revising procedures relating to approved budgets for operations and fixed capital outlay; revising restrictions on increases on salary rate; prescribing procedures with respect to nonoperating budgets; deleting obsolete provisions; amending s. 216.183, F.S.; revising provisions relating to development and amendment of charts of accounts; amending s. 216.192, F.S.; revising procedures relating to release of appropriations; amending s. 216.195, F.S.; defining the term "impoundment" for purposes of impoundment of funds; amending s. 216.212, F.S.; revising duties of the Executive Office of the Governor and the Office of the Comptroller with respect to budgets for federal funds; creating s. 216.216, F.S.; prescribing procedures to be used with respect to funds subject to a court settlement negotiated by the state; amending s. 216.221, F.S.; revising procedures to be used in the event of budget deficits; amending s. 216.251, F.S.; revising procedures relating to salary appropriations for certain employees; amending s. 216.262, F.S.; revising provisions relating to increases in authorized positions; defining the term "perquisites" for purposes of limiting the furnishing thereof; amending s. 216.271, F.S.; defining the term "revolving fund"; amending s. 216.292, F.S.; revising provisions relating to limits on and procedures for transfers of appropriations; amending s. 216.301, F.S.; conforming the date for review of undisbursed appropriations certified as expended or contracted to be expended; amending s. 120.65, F.S.; removing certain automatic approval of requests for action by the director of the Division of Administrative Hearings with respect to actions of the Executive Office of the Governor that affect amendments to the division's approved operating budget or personnel actions; amending s. 121.031, F.S.; deleting provisions relating to the Florida Retirement System Actuarial Assumption Conference; amending s. 186.021, F.S.; replacing state agency strategic plans with long-range program plans and providing requirements for development of the latter; repealing s. 186.003(7), F.S., relating to the definition of "state agency strategic plan," to conform; amending ss. 186.002, 186.006, 186.007, and 186.502, F.S.; revising terminology, to conform; amending s. 186.022, F.S.; requiring information resource strategic plans of certain boards and councils and providing requirements with respect thereto; amending s. 186.901, F.S.; revising provisions relating to production of population estimates; amending s. 215.22, F.S.; exempting the various agency Tobacco Settlement Trust Funds from the general revenue service charge; amending s. 252.37, F.S.; providing for the processing of budget amendments to cover transfers of moneys for declared states of emergency; amending ss. 11.45, 14.27, 20.19, 20.316, 23.22, 27.345, 27.3451, 110.1239, 121.021, 121.051, 145.021, 187.201, 215.196, 215.3206, 215.3208, 215.44, 215.95, 215.96, 229.053, 239.305, 240.209, 240.2601, 240.324, 240.383, 282.404, 286.30, 288.7091, 339.135, 339.155, 339.175, 365.173, 376.15, 381.90, 413.011, 413.405, 420.0003, 420.511, 420.6075, 494.0017, 624.307, 943.08, and 946.002, F.S., to conform terminology, dates, and references to changes made by the act; renumbering s. 216.331, F.S., relating to disbursement of state moneys; renumbering s. 216.3505, F.S., relating to refinancing of bonds; repealing s. 216.001, F.S., relating to definitions; repealing s. 216.0154, F.S., relating to assessment of trends and conditions affecting the need for capital facilities; repealing s. 216.0162, F.S., relating to monitoring and evaluation of capital facilities planning and budgeting; repealing s. 216.0315, F.S., relating to budgets of state agencies that have international programs; repealing s. 216.091, F.S., relating to statements by the Comptroller; repealing s. 216.111, F.S., relating to financial statements and schedules and other reports; repealing ss. 216.235-216.238, F.S., relating to the Innovation Investment Program; repealing s. 216.281, F.S., relating to construction of terms; repealing s. 216.286, F.S., relating to release of funds under the Florida Employment

Opportunity Act; repealing s. 240.20941, F.S., relating to vacant faculty positions; providing applicability; providing an effective date.

—was read the second time by title.

Representative(s) Lacasa offered the following:

(Amendment Bar Code: 334467)

Amendment 1 (with title amendment)—On page 139, between lines 9 and 10,

insert a new Section 92:

Section 92. Paragraphs (a) and (b) of subsection (1) of section 27.38, Florida Statutes are amended to read:

27.38 Budget transfer authority.—

(1) Notwithstanding s. 216.292, each state attorney, whenever he or she deems it necessary by reason of changed conditions, may transfer appropriations funded from identical funds as prescribed in s. 215.32, except appropriations for fixed capital outlay, and transfer the amounts included within the total original approved budget and releases as furnished pursuant to ss. 216.181 and 216.192, as follows:

(a) Between categories of appropriations within a budget entity, if no category of appropriation is changed by more than ~~\$100,000~~ \$150,000 plus 5 percent of the original approved budget by all action taken under this subsection.

(b) Additionally, between budget entities within identical categories of appropriations, if no category of appropriation is changed by more than ~~\$150,000~~ ~~\$100,000~~ plus 5 percent of the original approved budget by all action taken under this subsection.

Section 93. Paragraphs (a) and (b) of subsection (1) of section 27.60, Florida Statutes are amended to read:

27.60 Budget transfer authority.—

(1) Notwithstanding s. 216.292, each public defender, whenever he or she deems it necessary by reason of changed conditions, may transfer appropriations funded from identical funds as prescribed in s. 215.32, except appropriations for fixed capital outlay, and transfer the amounts included within the total original approved budget and releases as furnished pursuant to ss. 216.181 and 216.192, as follows:

(a) Between categories of appropriations within a budget entity, if no category of appropriation is changed by more than ~~\$150,000~~ ~~\$100,000~~ plus 5 percent of the original approved budget by all action taken under this subsection.

(b) Additionally, between budget entities within identical categories of appropriations, if no category of appropriation is changed by more than ~~\$150,000~~ ~~\$100,000~~ plus 5 percent of the original approved budget by all action taken under this subsection.

And the title is amended as follows:

On page 6, line 13, after the semicolon

insert: amending s. 27.38, F.S., relating to state attorneys budget transfer authority; amending s. 27.60, F.S., relating to public defenders budget transfer authority;

Rep. Lacasa moved the adoption of the amendment, which was adopted.

Representative(s) Hafner offered the following:

(Amendment Bar Code: 695371)

Amendment 2 (with title amendment)—On page 92, between lines 19 and 20, of the bill

insert:

Section 38. Section 216.348, Florida Statutes, is created to read:

216.348 Fixed capital outlay grants and aids appropriations to certain nonprofit entities.—If a bill appropriating a fixed capital outlay grants and aids appropriation requires compliance with this section, the following conditions shall apply, except to the extent that such bill modifies these conditions:

(1) As used in this section, the term:

(a) "Administering agency" means the governmental agency or entity which is charged by the bill appropriating the fixed capital outlay grants and aids appropriation to a grantee with administering that appropriation.

(b) "Grant" means a fixed capital outlay grants and aids appropriation to a nonprofit entity other than a governmental entity.

(c) "Grantee" means a nonprofit entity, other than a governmental entity, to which the Legislature has appropriated over \$50,000 pursuant to a fixed capital outlay grants and aids appropriation.

(2) Prior to the receipt of any grant money from the administering agency, a grantee must provide the administering agency with an affidavit by an officer or director of the grantee certifying under oath that the grantee is a nonprofit entity and must execute a written agreement with the administering agency, in a form approved by the administering agency, pursuant to subsection (3).

(3)(a) If the grantee is acquiring real property with the grant, or if the grantee owns the real property upon which an improvement is being constructed, renovated, altered, modified, or maintained with the grant, the grantee must execute, deliver, and record in the county in which the subject property is located an agreement that:

1. States a correct legal description of the real property.

2. Sets forth with specificity the buildings, appurtenances, fixtures, fixed equipment, structures, improvements, renovations, and personalty to be purchased pursuant to the grant.

3. During the term of the agreement, prohibits the grantee from selling, transferring, mortgaging, or assigning the grantee's interest in the real property, unless the administering agency approves the sale, transfer, mortgage, or assignment; and, in the case of sale, transfer, or assignment, the purchaser, transferor, or assignee must fully assume, in writing, all of the terms and conditions of the agreement required by this subsection. The administering agency, at its discretion, may agree to subordination to a mortgage.

(b) If the grantee is not acquiring real property, or does not own the real property being improved, the agreement shall:

1. Specify the leasehold or other real property interest the grantee has in the real property.

2. State the name of the owner of the real property.

3. Describe the relationship between the owner of the real property and the grantee.

4. Set forth with specificity the improvements, renovations, and personalty to be purchased pursuant to the grant.

5. During the term of the agreement, prohibit the grantee from selling, transferring, mortgaging, or assigning the grantee's interest in the leasehold, improvements, renovations, or personalty, unless the administering agency approves the sale, transfer, mortgage, or assignment; and, in the case of sale, transfer, or assignment, the purchaser, transferor, or assignee must fully assume, in writing, all of the terms and conditions of the agreement required by this subsection. Additionally, the grantee shall execute and deliver a security instrument, financing statement, or other appropriate document securing the interest of the administering agency in the improvements, renovations, and personalty associated with the grant. The administering agency, in its discretion, may agree to subordination or modification of a security interest.

(c) All agreements required by this subsection shall:

1. *Require the grantee to continue the operation, maintenance, repair, and administration of the property in accordance with the purposes for which the funds were originally appropriated and for the period of time expressly specified by the bill appropriating the grant. If the bill appropriating the grant does not specify a time period, the administering agency shall determine a reasonable period of time.*

2. *Provide that if the grantee fails, during the term of the agreement, to operate, maintain, repair, and administer the property in accordance with the purposes for which the funds were originally granted, the grantee shall return to the administering agency, no later than upon demand by the administering agency, an amount calculated as follows:*

a. *If the bill appropriating the grant states a specific repayment formula, that formula shall be used;*

b. *If the bill appropriating the grant states a specific period of time but does not specify a repayment formula, the amount to be returned shall be calculated on a pro rata basis for that period of time; or*

c. *If the bill appropriating the grant does not state a specific period of time or formula, the amount to be returned shall be specified by the administering agency, which shall be no less than the full amount of the grant less \$100,000 or 10 percent of the grant, whichever is more, for each full year for which the property was used for such purposes.*

The administering agency shall deposit all funds returned by the grantee into the state fund from which the grant was originally made.

3. *Require that the grantee adopt an accounting system, in compliance with generally accepted accounting principles, which shall provide for a complete record of the use of the grant money. In addition, the provisions of s. 216.3491 shall apply.*

4. *Provide that the grantee shall indemnify, defend, and hold the administering agency harmless from and against any and all claims or demands for damages resulting from personal injury, including death or damage to property, arising out of or relating to the subject property or the use of the grant money. The agreement shall require the grantee to purchase and maintain insurance on behalf of directors, officers, and employees of the grantee against any personal liability or accountability by reason of actions taken while acting within the scope of their authority. The administering agency shall be immune from civil or criminal liability resulting from acts or omissions of the grantee and the grantee's agents, employees, or assigns.*

5. *Require the grantee to return any portion of the grant money received that is not necessary to the purchase of the land, or to the cost of the improvements, renovations, and personalty, for which the grant was awarded.*

(d) *The administering agency may:*

1. *Require that, during any term or period of construction, or until such time as the grant money is fully and properly spent according to the bill appropriating the grant, the grantee obtain a blanket fidelity bond, in the amount of the grant, issued by a company authorized and licensed to do business in this state, which will reimburse the administering agency in the event that anyone handling the grant moneys either misappropriates or absconds with the grant moneys. All employees handling the grant moneys must be covered by the bond.*

2. *Include any other term or condition the administering agency deems reasonable and necessary for the effective and efficient administration of the grant.*

3. *Modify any condition required by this subsection, provided the administering agency deems that such modification is necessary in order to best effectuate the purpose of the grant and provided the bill appropriating the grant, or applicable law, does not otherwise require.*

(e) *The agreement must provide that the administering agency shall execute a satisfaction of the agreement in recordable form upon full compliance by the grantee with the terms of the agreement.*

And the title is amended as follows:

On page 5, line 4, after the semicolon

insert: creating s. 216.348, F.S.; providing conditions for receipt of certain grants and aids appropriations by certain nonprofit entities; providing definitions; providing for an affidavit of nonprofit status; providing for an agreement between the administering agency and the nonprofit entity; providing minimum requirements for the agreement; providing that the nonprofit entity continue operation of the property for the purposes set forth in the grant; providing for repayment of grant moneys received under certain conditions; providing for the adoption of an accounting system and providing for audit; providing for liability insurance and exempting the administering agency from liability; providing permissive conditions of the agreement; providing for a satisfaction of the agreement;

Rep. Hafner moved the adoption of the amendment, which was adopted.

Representative(s) Pruitt offered the following:

(Amendment Bar Code: 864965)

Amendment 3—On page 62, line 31
remove from the bill: *working consecutive*
and insert in lieu thereof: *consecutive*

Rep. Pruitt moved the adoption of the amendment, which was adopted.

Representative(s) Pruitt offered the following:

(Amendment Bar Code: 392733)

Amendment 4—On page 90, line 28 through page 92, line 19
remove from the bill: *all of said lines*

Rep. Pruitt moved the adoption of the amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 215—A bill to be entitled An act relating to stock and mutual insurance companies; amending s. 628.715, F.S.; authorizing a mutual insurance holding company to merge the membership interests of certain mutual insurance companies into the mutual insurance holding company under certain circumstances; authorizing the Department of Insurance to retain certain consultants for merger evaluation purposes; requiring certain companies to pay consultant costs; amending ss. 628.231 and 628.723, F.S.; authorizing directors of domestic insurers and mutual insurance holding companies to consider certain factors while taking corporate action in discharging their duties; amending s. 628.729, F.S.; conforming a reference to a qualification period; providing an effective date.

—was read the second time by title.

Representative(s) Tullis offered the following:

(Amendment Bar Code: 745661)

Amendment 1 (with title amendment)—On page 2, line 6, through page 3, line 8,
remove from the bill: *all of said lines,*

and insert in lieu thereof: *holding company writes insurance, a mutual insurance company,;*

(f) *Jointly, with a domestic or foreign mutual insurance company which redomesticates pursuant to s. 628.520, file an application with the department, pursuant to the provisions of this part, to merge the domestic or foreign mutual insurance company policyholder's membership interests into the mutual insurance holding company. The reorganizing mutual insurance company may merge with the mutual insurance holding company's stock subsidiary or continue its corporate existence as a domestic stock insurance company subsidiary. The members of the foreign mutual insurance company may approve in a contemporaneous*

vote both the redomestication plan and the agreement for merger and reorganization; or

(g) Merge or consolidate with, or acquire the assets of, a domestic or foreign reciprocal insurance company, a group self-insurance fund, or any other similar entity.

(2) A reorganization pursuant to this section is subject to the applicable procedures prescribed by the laws of this state applying to corporations formed for profit, except as otherwise provided in this subsection.

(a) The plan and agreement for merger shall be submitted to and approved by a majority of the members, *policyholders, or subscribers* of each domestic mutual insurance holding company, *mutual insurance company, stock insurance company, or domestic or foreign reciprocal insurance company*, involved in the merger who vote either in person or by proxy thereon at meetings called for the purposes pursuant to such reasonable notice and procedure as has been approved by the department.

(b) No such merger shall be effectuated unless in advance thereof, the plan and agreement therefor have been filed with the department and approved by it *after a public hearing, which shall be held within 6 days after receipt by the department of such plan and agreement. The department may retain outside consultants to evaluate the merger. The domestic mutual insurance holding company shall pay reasonable costs associated with retaining such consultants. Such payments shall be made directly to the consultant.* The department shall give such approval unless it finds such plan or agreement:

1. Is inequitable to the policyholders of any domestic insurer involved in the merger or the members of any domestic mutual insurance holding company involved in the merger; or

2. Would substantially reduce the security of and service to be rendered to policyholders of a domestic insurer in this state.

(c) All of the initial shares of the capital stock of the reorganized subsidiary insurance company shall be issued either to the mutual insurance holding company, or to an intermediate holding company which is wholly owned by the mutual insurance holding company. The membership interests of the policyholders of the reorganized insurance company shall become membership interests in the mutual insurance holding company. Policyholders of the reorganized insurance company shall be members of the mutual insurance holding company in accordance with the articles of incorporation and bylaws of the mutual insurance holding company. The mutual insurance holding company shall at all times own a majority of the voting shares of the capital stock of the reorganized subsidiary insurance company.

(d) *For property and casualty insurers, the rights of the members of the merging entities under s. 628.729, for a period of 3 years after the merger, shall be the proportionate share of the total surplus of the merging entities as determined by the percentage of the surplus contributed by each of the merging entities to the total surplus of the surviving entity on the date of the merger.*

And the title is amended as follows:

On page 1, lines 8-11,
remove from the title: all of said lines,

and insert in lieu thereof: circumstances; authorizing a mutual insurance holding company to merge or consolidate with, or acquire the assets of, certain entities; authorizing the Department of Insurance to retain certain consultants for merger evaluation purposes; requiring certain companies to pay consultant costs; providing a methodology for determining the rights of certain merging entities; amending ss.

Rep. Tullis moved the adoption of the amendment.

On motion by Rep. Tullis, under Rule 142(h), the following late-filed amendment to the amendment was considered.

Representative(s) Tullis offered the following:

(Amendment Bar Code: 772845)

Amendment 1 to Amendment 1—On page 2, line 19,
remove from the amendment: 6

and insert in lieu thereof: 90

Rep. Tullis moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Representative(s) Tullis offered the following:

(Amendment Bar Code: 910521)

Amendment 2 (with title amendment)—On page 5, between lines 5 and 6

insert:

Section 5. Section 628.730, Florida Statutes, is created to read:

628.730 *Merger with intermediate holding company.*—

(1) *A mutual insurance holding company may, pursuant to a plan and agreement of merger approved by the department, in accordance with s. 628.715, ((2)(b), merge into its intermediate holding company. The surviving intermediate holding company shall assume all of the assets and liabilities of the mutual insurance holding company, and all of the stock of the intermediate holding company owned by the mutual insurance holding company immediately prior to the merger shall be distributed to existing persons who were members of the mutual insurance holding company at any time within the 3-year period preceeding the date of such merger.*

(2) *The distributive share of each such member shall be determined by a formula based upon such reasonable classifications of members as the department may approve.*

(3) *For purposes of creating a public market for the shares of the intermediate holding company, the mutual insurance holding company may, immediately prior to the merger, sell or cause the intermediate holding company to sell to the public up to 25 percent of its capital stock representing no more than 25 percent of the voting stock of the intermediate holding company.*

(4) *The department shall hold a public hearing to allow public comment on the plan and agreement of merger. The hearing must be held within 60 days after receipt of the department of the proposed plan and agreement of merger.*

(5) *The plan and agreement of merger shall be submitted to the members of the mutual holding company for their approval and shall take effect only if approved by a majority of the members of the mutual insurance holding company who vote either in person or by proxy on such merger at a meeting called for the purpose of voting on such merger, pursuant to reasonable notice and procedures as approved by the department.*

And the title is amended as follows:

On page 1, line 18, after the semicolon,

insert: creating s. 628.730, F.S.; providing for merger of a mutual insurance holding company into its intermediate holding company; requiring a plan and agreement of merger; requiring approval by the Department of Insurance; providing requirements for distribution of assets and liabilities; authorizing sales of shares of the mutual insurance holding company for certain purposes; requiring the department to hold a public hearing on the merger; requiring the plan and agreement of merger to be voted on by members of the mutual insurance holding company;

Rep. Tullis moved the adoption of the amendment.

Rep. Tullis moved that, under Rule 142(h), a late-filed amendment to the amendment be allowed for consideration.

Further consideration of **CS/HB 215**, with pending amendment and motion to allow a late-filed amendment to the amendment, was temporarily postponed under Rule 141.

HB 1675 was taken up. On motion by Rep. Feeney, the rules were suspended and SB 1220 was substituted for HB 1675. Under Rule 50, the House bill was laid on the table and—

SB 1220—A bill to be entitled An act relating to homelessness; creating the Commission on the Homeless within the Executive Office of the Governor; providing for membership of the commission; requiring the commission to review the problems of the homeless and propose solutions for reducing homelessness; requiring the commission to hold a specified number of public meetings; providing requirements for a written report by the commission; providing for commission members to be reimbursed for travel and per diem expenses; authorizing the commission to employ an executive director; abolishing the commission after a specified date; providing an appropriation; providing an effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

CS/CS/HB 1567—A bill to be entitled An act relating to rulemaking authority within the State University System; amending s. 240.209, F.S.; revising language; clarifying the authority of the Board of Regents to establish certain fees, delegate authority to the Chancellor or the universities, allow the waiver of certain fees, manage systemwide enrollment, govern the admission of students into the State University System, establish policies relating to credit and noncredit offerings, and establish and regulate faculty practice plans for the academic health science centers; providing and clarifying authority to adopt rules to implement such powers and duties; correcting an obsolete cross reference; deleting unnecessary cross references; amending s. 240.227, F.S.; clarifying the rulemaking authority of university presidents regarding conditions of employment of university personnel and the management of property and financial resources of the university; providing rulemaking authority regarding internal procedures of student governments, the use and protection of data and technology, and compliance with federal laws; amending s. 240.229, F.S., relating to the powers of the university with regard to patents, copyrights, and trademarks; authorizing the adoption of rules; amending s. 240.233, F.S., relating to university admission of students; authorizing the adoption of rules by the university president; revising requirements for minimum standards for undergraduate admission relating to foreign language and requiring submission of a test score; prohibiting university admission standards for limiting the ability of high school students to choose electives; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; authorizing the adoption of rules by the university president; amending s. 240.261, F.S.; clarifying the rulemaking authority of universities with regard to student and employee conduct; amending s. 240.291, F.S.; providing rulemaking authority regarding delinquent accounts; providing an effective date.

—was read the second time by title.

Representative(s) Lynn offered the following:

(Amendment Bar Code: 432967)

Amendment 1—On page 15, lines 3-14, remove from the bill: all of said lines

and insert in lieu thereof:

The minimum admission standards adopted by the Board of Regents or a state university under this paragraph must permit a student to earn at least four of the 19 credits constituting the college-preparatory curriculum required for admission as electives in any one of the following manners:

1. *Successful completion of any course identified in the Department of Education course code directory as level two or higher in one or more of the following subject areas: English, Mathematics, Natural Science, Social Science, and Foreign Language;*

2. *Successful completion of any course identified in the Department of Education course code directory as level three in the same or related disciplines;*

3. *Any combination of the courses identified in subparagraphs 1. and 2.; or*

4. *Successful completion of two credits from the courses identified in subparagraph 1. plus no more than two total credits from any of the following categories of courses:*

a. *Courses identified in the Department of Education course code directory as ROTC and Military Training.*

b. *Courses identified in the Department of Education course code directory as level two in Art-Visual Arts, Dance, Drama-Theater Arts, Language Arts, or Music.*

c. *Any additional courses determined to be equivalent by the Articulation Coordinating Committee.*

(c) *Each student have submitted a test score from the Scholastic Assessment Test of the College Entrance Examination Board or the American College Testing Program.*

Rep. Lynn moved the adoption of the amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 2381—A bill to be entitled An act relating to the judiciary; providing legislative intent; providing definitions; providing for specified funding of the offices of the clerks of the circuit and county courts; requiring counties to fund specified costs and functions; requiring the Legislature to define certain local requirements; limiting the designation of specified programs and functions; providing a basis for funding; requiring the imposition and enforcement of certain court costs, fines, and assessments; requiring the establishment of procedures for the waiver of specified fees and costs; requiring an examination upon request for reduction in specified fees and costs; providing a phase-in schedule; requiring full effectuation of s. 25, Art. XII of the State Constitution on or before a specified date; requiring counties to pay costs of Office of Statewide Prosecutor; providing for the appropriation of funds for a specified contingency fund and for specified pilot projects; requiring counties to fund specified functions prior to a specified date; defining certain essential elements; requiring counties to pay specified costs; defining "facility," "construction or lease," "maintenance," "utilities," "security," "communications systems" or "communications services," "existing radio systems," and "existing multiagency criminal justice information systems"; requiring counties to pay specified costs to meet local requirements; establishing the Article V Financial Accountability and Efficiency Workgroup; providing for membership and staff support; providing duties of the workgroup; providing for termination of the workgroup; providing an application process for a contingency fund; providing requirements for pilot projects regarding conflict attorneys; requiring specified reports and recommendations by the clerks of the court; creating s. 11.75, F.S.; establishing the Joint Legislative Committee on Article V; providing membership and duties of the committee; providing for a specified review; providing prohibition regarding state funding pursuant to the act; providing exceptions; amending s. 216.001, F.S.; revising a definition; amending s. 216.011, F.S.; revising a definition; amending s. 216.0166, F.S.; providing requirements for performance-based program budgeting for the judicial branch; amending s. 216.0172, F.S.; requiring the judicial branch to submit a performance-based program budget; amending s. 216.023, F.S.; excepting the judicial branch from submitting final legislative budget request to the Governor; amending s. 216.0235, F.S.; excepting the judicial branch from submitting final legislative program budget request; requiring specified funding be consistent with the General Appropriations Act; creating the Supreme Court Workload Study Commission; providing for membership and duties; requiring the Office of the State Courts Administrator, in consultation with the Office of Program Policy Analysis and Government Accountability, to provide information; requiring specified reports; providing for termination of the commission; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice Appropriations offered the following:

(Amendment Bar Code: 541769)

Amendment 1 (with title amendment)—On page 15, line 19, through page 28, line 8,
Remove from the bill: all of said lines

and insert in lieu thereof:

The chair and vice chair of the Commission on Revision 7 to Article V shall respectively act as chair and vice chair of the workgroup. The House Fiscal Responsibility Council and Senate Budget and Fiscal Policy shall provide staff support for the workgroup.

(2) *The workgroup shall develop recommendations concerning financial accountability systems and standards for use during and after the transition from local to state funding as required by the 1998 revisions to section 14, Article V of the State Constitution.*

(3) *The workgroup shall consider the use of the current Uniform Chart of Accounts, Florida Accounting Information System or any other existing state accounting systems and advise the Legislature on whether any of the systems are appropriate for the long-term accounting requirements for expenditures and revenues. The workgroup shall advise the Legislature on any modifications or enhancements to existing systems that may be necessary and recommend a plan to implement the necessary modifications or enhancements.*

(4) *If the workgroup determines that no existing state system is appropriate for long-term use, it shall provide the Legislature with a full explanation of the reasons and develop at least two options for legislative consideration.*

(5) *The workgroup shall examine incentives pursuant to current law for compliance with state reporting requirements and make recommendations to further encourage local compliance.*

(6) *The workgroup shall consider and make recommendations regarding alternative structures for budgeting and fiscal management for the state courts system, public defenders' offices, state attorneys' offices, constitutionally required court-appointed attorneys, and the clerks of the circuit and county courts. In developing the alternatives, the workgroup shall consider using existing management entities such as the Justice Administrative Commission, the Office of the State Courts Administrator, or any other appropriate entity.*

(7) *The workgroup shall obtain data on all fees, costs, service charges, fines, forfeitures, or other court-related charges for court-related activities, evaluate the data, make selected audits of such data as deemed necessary, and report to the Commission on Revision 7 to Article V regarding the accuracy of such data. Data shall be compiled by each office of the clerk of the circuit and county court or other entity. The information obtained must address the authority for collection, the authorized amount, the total amount collected, identification of where the funds are distributed, the amount distributed to each identified entity, and the required and actual use of the funds by the receiving entity.*

(8) *In addition to the review and assessment of financial accountability systems and standards, the workgroup may also assess the efficiency and effectiveness of the state courts system, public defenders' offices, state attorneys' offices, offices of the clerks of the circuit and county courts, and constitutionally required court-appointed attorneys operating policies and procedures related to financial management and reporting. The assessment may include a review of current organizational duties and responsibilities for supporting entities. The workgroup may include in its final report, recommendations for improving operating policies and procedures relating to the financial management activities of the state courts system, public defenders' offices, state attorneys' offices, offices of the clerks of the circuit and county courts, and constitutionally required court-appointed attorneys.*

(9) *Subject to the availability of specific appropriations and the approval of the President of the Senate and the Speaker of the House of Representatives, the workgroup may contract for consultants or technical assistance in carrying out its responsibilities.*

(10) *The workgroup shall be terminated upon the issuance of a report and final recommendations to the Commission on Revision 7 to Article V, the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, and the Governor, not later than January 15, 2001.*

Section 10. Contingency fund.—

(1) *Any county with a population of less than 85,000, according to the most recent decennial census, may apply to the Office of the State Courts Administrator for additional funding to cover extraordinary criminal case related costs.*

(2) *The Office of the State Courts Administrator, in consultation with the chairs of the appropriations committees of the Legislature, shall develop a process whereby counties may request funds pursuant to this section. Such process shall be consistent with legislative intent regarding this act. The Office of the State Courts Administrator shall review any request for funds by a county under this section and, if the Office of the State Courts Administrator determines that a request is valid, it may provide assistance upon finding a qualifying county's budget is inadequate to cover extraordinary criminal case related costs and that the deficiency will result in an impairment of the operations of the county.*

(3) *The State Courts Administrator shall submit a report on a quarterly basis, including a complete accounting of the contingency fund.*

Section 11. Pilot projects; conflict attorneys.—Pursuant to section 25, Article XII and section 14, Article V of the State Constitution, and section 27.52, Florida Statutes, the Legislature hereby creates pilot projects to reimburse at least three counties for expenses related to reasonable and necessary conflict attorneys. The counties selected must agree to institute cost containment and accountability processes and to provide a detailed quarterly report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commission on Revision 7 to Article V. The report shall include, but is not limited to:

- (1) *The total number of conflict cases.*
- (2) *The steps that were taken to avoid the conflict, if any.*
- (3) *The number of each type of case identified with specificity.*
- (4) *The length of each case.*
- (5) *The total amount paid to each attorney.*
- (6) *The total year-to-date payments to conflict attorneys.*
- (7) *The method of payment, i.e. hourly rate, flat fee, contract, or other.*

All information must be broken down based on whether the case was given to outside counsel due to an ethical conflict or due to an overextended caseload.

Section 12. Clerks of the court reporting requirements.—

(1) *The clerks of court shall, not later than September 30, 2000, provide the following information to the Commission on Revision 7 to Article V and the Article V Financial Accountability and Efficiency Workgroup:*

- (a) *A detailed description of the services currently provided to the state courts system, state attorneys' offices, and public defenders' offices.*
- (b) *Detailed information on the cost of each of the services provided.*
- (c) *Detailed information on the current source of funding for each service.*
- (d) *A complete listing of all fees, costs, service charges, fines, forfeitures, or other court-related charges collected by the office of the*

clerk of the circuit and county court and the statute, local ordinance, court rule, or judicial order which authorizes the collection. This list shall also address the event which authorizes the collection and the designated use of the amounts collected.

(e) A total amount collected by the clerk in each circuit for each fee, cost, service charge, fine, forfeiture, or other charge for fiscal year 1998-1999.

(f) The distribution of each fee, cost, service charge, fine, forfeiture, or other court-related charge collected by the clerk. This shall include where the money is distributed, the amount of each charge distributed, and the total amounts distributed for fiscal year 1998-1999.

(2) To the extent applicable, information provided under paragraphs (1)(a)-(f) shall be cross referenced to current accounting classifications required by the Uniform Chart of Accounts as developed pursuant to section 218.33, Florida Statutes.

(3) The clerks of court shall, not later than September 30, 2000, make recommendations on the following:

(a) Of those services currently provided by the clerks of the court, services that the clerks of the circuit and county courts should continue to provide in the future.

(b) Recommended levels of fees, costs, or service charges to be used to fully fund the proposed court-related functions.

(c) Alternative sources of funding, if it is the clerks of court's position that the fees, costs, and service charges recommended in paragraph (b) would be violative of the State or Federal Constitution.

Section 13. Commission on Revision 7 to Article V.—

(1) The Commission on Revision 7 to Article V is created. The Commission shall consist of 15 members appointed by July 15, 2000, as follows.

(a) Five Senators appointed by the President of the Senate.

(b) Five Representatives appointed by the Speaker of the House of Representatives.

(c) One member appointed by the Chief Justice of the Supreme Court.

(d) One member appointed by the Association of Court Clerks and Comptroller.

(e) One member appointed by the Florida Association of Counties.

(f) One member appointed by the Public Defenders' Association.

(g) One member appointed by the Florida Prosecuting Attorney's Association.

(2) The members of the commission shall choose one Senator and one Representative to serve as Chair and Vice Chair. In even numbered years, the Chair shall be the Senator, and in odd numbered years the Chair shall be the Representative. The Chair and Vice Chair shall alternate seats and shall serve through May 1, 2005. A vacancy in the commission shall be filled in the same manner as the original appointment. Prior to the 2005 legislative session, the Legislature shall review the Commission to determine the necessity of its continued existence.

(3) The members of the Commission shall serve without compensation, except for per diem and reimbursement of travel expenses as provided by section 112.061, Florida Statutes.

(4) The Commission shall coordinate and oversee the implementation of Revision 7 to Article V of the State Constitution adopted in 1998. The Commission shall make recommendations to the Legislature, including proposed legislation, in an annual report to be submitted by October 15 of each year.

(5) Subject to the availability of specific appropriations, the Commission may retain consultants, technical assistance, and staff support necessary to carry out its responsibilities. The Commission shall

be attached to the Office of Legislative Services for administrative purposes.

Section 14. *Nothing in this act shall require the state to fund the state courts system, state attorneys' offices, public defenders' offices, court-appointed counsel, office of the statewide prosecutor, or offices of the clerks of the circuit and county courts.*

Section 15. Section 216.001, Florida Statutes, is amended to read:

216.001 Definitions.—For purposes of chapter 94-249, Laws of Florida, except as otherwise provided herein, "state agency" or "agency" means any unit of organization of the executive branch, including any official, officer, department, board, commission, division, bureau, section, district, office, authority, committee, or council or any other unit of government, however designated, and the Public Service Commission. For purposes of chapter 94-249, "state agency" shall not include the judicial branch. For purposes of chapter 94-249, "judicial branch" shall mean all officers, employees, and offices of the Supreme Court, district courts of appeal, circuit courts, county courts, Justice Data Center, and the Judicial Qualifications Commission.

Section 16. Paragraph (mm) of subsection (1) of section 216.011, Florida Statutes, is amended to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(mm) "State agency" or "agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. For purposes of this chapter and chapter 215, "state agency" or "agency" includes state attorneys, public defenders, the Capital Collateral Representative, and the Justice Administrative Commission. *Solely for the purposes of implementing s. 19(h), Art. III of the State Constitution, "state agency" or "agency" includes the judicial branch.*

Section 17. Subsection (1) of section 216.0166, Florida Statutes, is amended, and subsection (6) is added to said section, to read:

216.0166 Submission by state agencies of performance-based budget requests, programs, and performance measures.—

(1) *Except as provided in subsection (6),* prior to September 1 of the fiscal year prior to which a state agency is required to submit a performance-based program budget request pursuant to s. 216.0172, such state agency shall identify and submit to the Executive Office of the Governor a list of proposed state agency programs and performance measures. The agency may also provide a list of statutes or rules affecting its performance which may be addressed as incentives or disincentives for the performance-based program budget. The list should be accompanied by recommended legislation to implement the requested changes for potential incentives. Such identification shall be conducted after discussion with legislative appropriations and appropriate substantive committees and shall be approved by the Executive Office of the Governor. The Executive Office of the Governor, after discussion with legislative appropriations and appropriate substantive committees and the Office of Program Policy Analysis and Government Accountability, shall review the list of programs and performance measures, may make any changes or require the agency to resubmit the list, and shall make a final recommendation of programs and associated performance measures to the Legislature within 60 days after receipt, to be used in the preparation and submission of the state agency's final legislative budget request pursuant to s. 216.023(5). The Executive Office of the Governor may also recommend legislation to implement any or all of the proposed incentives. Agencies continuing under performance-based program budgeting may provide as part of their legislative budget request a list of statutes or rules affecting their program performance which may be addressed as incentives or disincentives for the performance-based program budget.

(6) *Prior to September 15 of the fiscal year prior to which the judicial branch is required to submit a performance-based program budget*

request pursuant to s. 216.0172, the Chief Justice shall identify and, after consultation with the Office of Program Policy Analysis and Government Accountability and legislative staff of the appropriate substantive and appropriations committees in the Senate and the House of Representatives, shall submit to the Legislature a list of proposed programs and associated performance measures. The judicial branch shall provide documentation to accompany the list of proposed programs and performance measures as provided under subsection (2). The judicial branch shall submit a performance-based program legislative budget request pursuant to s. 216.0172, using the programs and performance measures adopted by the Legislature. The Chief Justice may propose revisions to approved programs or performance measures for the judicial branch. The Legislature shall have final approval of all programs and associated performance measures and standards for the judicial branch through the General Appropriations Act or legislation implementing the General Appropriations Act.

Section 18. Subsections (8), (9), and (10) of section 216.0172, Florida Statutes, are renumbered as subsections (9), (10), and (11), respectively, and a new subsection (8) is added to said section to read:

216.0172 Schedule for submission of performance-based program budgets.—In order to implement the provisions of chapter 94-249, Laws of Florida, state agencies shall submit performance-based program budget legislative budget requests for programs approved pursuant to s. 216.0166 to the Executive Office of the Governor and the Legislature based on the following schedule:

(8) By September 15, 2001, the judicial branch shall submit to the Legislature a performance-based program budget request for programs approved by the Legislature, and copy the Governor.

Section 19. Subsection (1) of section 216.023, Florida Statutes, is amended to read:

216.023 Legislative budget requests to be furnished by agencies.—

(1) The head of each state agency, *except for the judicial branch*, shall submit a final legislative budget request to the Legislature and to the Governor, as chief budget officer of the state, in the form and manner prescribed in the budget instructions and at such time as specified by the Executive Office of the Governor, based on the agency's independent judgment of its needs. However, no state agency shall submit its final legislative budget request later than September 1 of each year.

Section 20. Subsection (1) of section 216.0235, Florida Statutes, is amended to read:

216.0235 Performance-based legislative program budget requests to be furnished by agencies.—

(1) The head of each state agency, *except for the judicial branch*, shall submit a final legislative program budget request to the Legislature and to the Governor, as chief budget officer of the state, in the form and manner prescribed in the program budget instructions and at such time as specified by the Executive Office of the Governor, based on the agency's independent judgment of its needs. However, a state agency may not submit its final legislative program budget request later than September 1 of each year. The provisions of s. 216.023 do not apply to programs within state agencies that have been approved to operate under a performance-based program budget.

Section 21. Sections 10 and 11 of this act shall be funded consistent with the General Appropriations Act.

Section 22. Supreme Court Workload Study Commission.—

(1) The Legislature finds that the number of justices has not increased since 1940 and that therefore it is necessary and beneficial to the furtherance of an efficient and effective judiciary to study the workload of the Florida Supreme Court.

(2) The Supreme Court Workload Study Commission is created and is assigned to the Office of the State Courts Administrator for administrative and fiscal purposes only. The Supreme Court Workload

Study Commission shall consist of seven members to be appointed on or before July 15, 2000, as follows:

(a) The Speaker of the House of Representatives shall appoint three members. One of the members must be a member of the House of Representatives. At least one of the other two members must be a member in good standing with The Florida Bar.

(b) The President of the Senate shall appoint three members. One of the members must be a member of the Senate. At least one of the other two members must be a member in good standing with The Florida Bar.

(c) The Chief Justice of the Florida Supreme Court shall appoint one member who has served on the Supreme Court but who is not presently serving, and who shall serve as chair of the commission.

(3) Members of the commission shall serve without compensation, except for per diem and reimbursement of travel expenses as provided by section 112.061, Florida Statutes. A vacancy on the commission shall be filled in the same manner as the original appointment.

(4) In consultation with the Office of Program Policy Analysis and Government Accountability, the Office of the State Courts Administrator shall conduct a time study of the workload of the current justices of the Supreme Court. The time study shall cover the workload of the justices over a period of 3 months. The results of the study shall be delivered to each member of the commission by October 15, 2000, and shall reflect the number of hours spent by each justice working on cases categorized by type of case.

(5) Using the study delivered by the Office of the State Courts Administrator and any other relevant data, the commission shall develop a recommendation regarding the need for additional justices on the Supreme Court. The commission shall report its recommendation to the Commission on Revision 7 to Article V, the Speaker of the House of Representatives, the President of the Senate, and the Chief Justice of the Supreme Court by February 15, 2001.

(6) It is the intent of the Legislature that the commission be staffed by the Civil Justice Council in the House of Representatives, and that the commission automatically terminate upon submission of its report.

And the title is amended as follows:

On page 2, lines 13-15,
remove from the title of the bill: all of said lines

and insert in lieu thereof: F.S.; establishing the Commission on Revision 7 to Article V; providing membership and duties of the commission; providing for a

Rep. Byrd moved the adoption of the amendment.

Representative(s) L. Miller offered the following:

(Amendment Bar Code: 583083)

Amendment 1 to Amendment 1—On page 7, lines 9-12
remove from the amendment: all of said lines

and insert in lieu thereof:

(a) Five Senators, three of which shall be appointed by the President of the Senate and two by the Senate Minority Leader.

(b) Five Representatives, three of which shall be appointed by the Speaker of the House and two by the House Minority Leader.

Rep. L. Miller moved the adoption of the amendment to the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 250

Yeas—40

Betancourt

Bloom

Boyd

Brown

Bullard

Bush

Chestnut

Cosgrove

Edwards

Effman

Eggelston

Frankel

Greene, A.	Kosmas	Reddick	Stafford
Greenstein	Lawson	Ritchie	Stansel
Hafner	Lee	Ritter	Suarez
Henriquez	Levine	Roberts	Turnbull
Heyman	Logan	Ryan	Wasserman Schultz
Hill	Miller, L.	Smith, C.	Wiles
Jacobs	Rayson	Sobel	Wilson

(Amendment Bar Code: 105151)

Amendment 1 to Amendment 2—On page 1, lines 19-26 remove from the amendment: all of said lines

and insert in lieu thereof: *a member in good standing of The Florida Bar. The other two members shall include a member in good standing of The Florida Bar and a member recommended by the House Minority Leader.*

(b) *The President of the Senate shall appoint three members. One of the members must be a member in standing of The Florida Bar. The other two members shall include a member in good standing of The Florida Bar and a member recommended by the Senate Minority Leader.*

Rep. L. Miller moved the adoption of the amendment to the amendment, which failed of adoption.

The question recurred on the adoption of **Amendment 2**, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 1429—A bill to be entitled An act relating to trust funds; creating s. 946.522, F.S.; creating the Prison Industries Trust Fund; providing for administration of the trust fund; providing for sources of moneys in the trust fund and purposes for which they may be used; exempting the trust fund from s. 215.20, F.S.; providing for carryover of the balance from one fiscal year to the next; providing that the trust fund is not subject to s. 19(f)(2), Art. III of the State Constitution; amending s. 946.512, F.S.; providing that certain funds are to be deposited into the Prison Industries Trust Fund rather than the Correctional Work Program Trust Fund; providing an effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

CS/HB 829—A bill to be entitled An act relating to public records; creating ss. 458.353 and 459.028, F.S.; providing exemptions from public records requirements for information contained in reports made by physicians and osteopathic physicians of adverse incidents occurring in office practice settings; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

HB 1121—A bill to be entitled An act relating to the Florida State University College of Medicine; establishing a 4-year allopathic medical school within the Florida State University; providing legislative intent; providing purpose; providing for transition, organizational structure, and admissions process; providing for partner organizations for clinical instruction in a community-based medical education program; specifying targeted communities and hospitals; providing for development of a plan for graduate medical education in the state; providing for accreditation; providing curricula; providing for clinical rotation sites in local communities; providing for training to meet the medical needs of the elderly; providing for training to address the medical needs of the state's rural and underserved populations; providing for increased participation of underrepresented groups and socially and economically disadvantaged youth; providing for technology-rich learning environments; providing for administration and faculty; providing for collaboration with other professionals for integration of modern health care delivery concepts; authorizing the Florida State University to negotiate and purchase certain liability insurance; providing an effective date.

—was read the second time by title.

The Committee on Health Care Services offered the following:

(Amendment Bar Code: 565763)

Amendment 1—On page 5, line 3, and on page 6, line 2, remove from the bill: *science*

Nays—74

The Chair	Constantine	Kelly	Putnam
Albright	Crady	Kilmer	Rojas
Alexander	Crow	Kyle	Rubio
Andrews	Detert	Lacasa	Russell
Argenio	Dockery	Littlefield	Sanderson
Argenziano	Farkas	Lynn	Sembler
Arnall	Fasano	Maygarden	Smith, K.
Bainter	Feeney	Melvin	Sorensen
Ball	Fiorentino	Merchant	Spratt
Barreiro	Fuller	Miller, J.	Starks
Bense	Futch	Minton	Sublette
Billarakis	Gay	Morrone	Trovillion
Bitner	Goode	Murman	Tullis
Bradley	Goodlette	Ogles	Villalobos
Bronson	Green, C.	Patterson	Wallace
Brummer	Harrington	Peaden	Waters
Byrd	Hart	Posey	Wise
Cantens	Johnson	Prieguez	
Casey	Jones	Pruitt	

Votes after roll call:

Yeas—Crist

The question recurred on the adoption of **Amendment 1**, which was adopted.

The Committee on Criminal Justice Appropriations offered the following:

(Amendment Bar Code: 161911)

Amendment 2—On page 27, lines 3-30 remove from the bill: all of said lines

and insert in lieu thereof: *the House of Representatives and a member in good standing of The Florida Bar. At least one of the other two members must be a member in good standing of The Florida Bar.*

(b) *The President of the Senate shall appoint three members. One of the members must be a member of the Senate and a member in good standing of The Florida Bar. At least one of the other two members must be a member in good standing of The Florida Bar.*

(c) *The Chief Justice of the Florida Supreme Court shall appoint one member who has served on the Supreme Court but who is not presently serving, and who shall serve as chair of the commission.*

(3) *Members of the commission shall serve without compensation, except for per diem and reimbursement of travel expenses as provided by section 112.061, Florida Statutes. A vacancy on the commission shall be filled in the same manner as the original appointment.*

(4) *In consultation with the Office of Program Policy Analysis and Government Accountability, the Office of the State Courts Administrator shall conduct a workload study of the Supreme Court. The results of the study shall be provided to the commission by November 1, 2000.*

(5) *Using the study and associated data delivered by the Office of the State Courts Administrator and any other relevant data, the commission shall develop recommendations for addressing workload issues, including, but not limited to, the need*

Rep. Goodlette moved the adoption of the amendment.

Representative(s) L. Miller offered the following:

and insert in lieu thereof: *and behavioral sciences*

Rep. Peaden moved the adoption of the amendment, which was adopted.

The Committee on Health Care Services offered the following:

(Amendment Bar Code: 900185)

Amendment 2—On page 6, line 21, of the bill

insert after “Medicine”: *, through creation of nonprofit corporations,*

Rep. Peaden moved the adoption of the amendment, which was adopted.

The Committee on Health Care Services offered the following:

(Amendment Bar Code: 224065)

Amendment 3—On page 7, lines 19-28,
remove from the bill: all of said lines

and insert in lieu thereof:

(a) The pre-clinical curriculum shall draw on the Florida State University's Program in Medical Sciences (PIMS) experience and national trends in basic and behavioral sciences instruction, including use of technology for distributed and distance learning. First-year instruction shall include a lecture mode and problem-based learning. In the second year, a small-group, problem-based learning approach shall provide more advanced treatment of each academic subject in a patient-centered context. Various short-term clinical exposures shall be programmed throughout the pre-clinical years, including rural,

Rep. Peaden moved the adoption of the amendment, which was adopted.

The Committee on Health Care Services offered the following:

(Amendment Bar Code: 463121)

Amendment 4—On page 6, line 22, of the bill

insert after “hospitals,”: *medical schools,*

Rep. Peaden moved the adoption of the amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 397—A bill to be entitled An act relating to health insurance; amending s. 627.410, F.S.; modifying rate filing requirements for approval of health insurance policy forms by the Department of Insurance; amending s. 627.411, F.S.; providing guidelines for determining when benefits are considered reasonable in relation to the premium charged for purposes of disapproval of health insurance policy forms by the department; providing an effective date.

—was read the second time by title.

Representative(s) Rayson and Cosgrove offered the following:

(Amendment Bar Code: 213061)

Amendment 1 (with title amendment)—On page 1, between lines 14 & 15 of the bill

insert:

Section 1. Subsection (3) is added to section 627.402, Florida Statutes, to read:

627.402 Definitions; specified certificates not included.—As used in this part, ~~the term:~~

(3) “Insurer conduct” means the following actions or inactions of an insurer with respect to a policy form which have resulted in inadequate rates and the need for extraordinary rate increases:

(a) Failure to make a filing in compliance with s. 627.410(7) or s. 627.6745(2);

(b) Failure to correct a rate filing when the department presented information to the company at the time the filing was approved that suggested the rates were inadequate and the company did not adequately resolve the department's concerns;

(c) Violation of applicable actuarial standards of practice at the time of a filing;

(d) Failure to have implemented the underwriting standards assumed in the pricing assumptions of the form; or

(e) The use of pricing assumptions that have resulted in a demonstrated pattern of product underpricing.

And the title is amended as follows:

On page 1, line 2

after the semicolon, insert: s. 627.402, F.S., creating a definition for insurer conduct;

Rep. Rayson moved the adoption of the amendment.

Representative(s) Rayson and Cosgrove offered the following:

(Amendment Bar Code: 884177)

Substitute Amendment 1—On page 11, line 21 through page 12, line 15

remove from the bill: all of said lines

and insert in lieu thereof:

627.411 Grounds for disapproval.—

(1) The department shall disapprove any form filed under s. 627.410, or withdraw any previous approval thereof, only if the form:

(a) Is in any respect in violation of, or does not comply with, this code.

(b) Contains or incorporates by reference, where such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract.

(c) Has any title, heading, or other indication of its provisions which is misleading.

(d) Is printed or otherwise reproduced in such manner as to render any material provision of the form substantially illegible.

(e)1. Is for health insurance, and provides benefits which are unreasonable in relation to the premium charged *as specified in s. 627.411(2); or;*

2. Contains provisions which are unfair or inequitable or contrary to the public policy of this state or which encourage misrepresentation, or are unfairly discriminatory pursuant to s. 626.9541(1) or which apply rating methods, assumptions or practices which result in: ~~practices which result in premium escalations that are not viable for the policyholder market or result in unfair discrimination in sales practices.~~

i. Rate increases as a result of insurer conduct as defined in s. 627.402 unless such increase is implemented with an approved rate for new insureds and as to insureds existing at the time of the increase, over a period of years as follows: for forms with benefits subject to medical inflation, the premium schedule increase applicable to existing insureds at the time of the filing shall be the greater of 10% or 135% of medical trend. Annual rate increases in subsequent years for the new issue rate schedule shall be increased in accordance with the provisions of this section, s. 627.410 and rules promulgated by the department. The annual increase for the existing insureds shall be the greater of 10% of the new issue rate schedule or 135% of the rate increase approved for the new issue premium schedule until the two rate schedules converge. For forms with benefits not subject to medical inflation, the period of years for the

two schedules to converge shall be two years, if the two rate increases are both less than 10%, otherwise three years;

ii. Rate increases as a result of multiple events of insurer conduct, unless a plan of corrective action is approved by the department;

iii. Rate increases attributed to forms(s) being closed as to new sales and not pooled with any form with similar benefits currently available for sale, unless such increase is limited to the rate increase being realized in the general insurance market of current forms available for sale with similar benefits;

iv. For new forms, rate schedules that are not actuarially sustainable, except for medical trend increases where applicable.

The department shall promulgate rules to implement the provisions of this section.

Rep. Rayson moved the adoption of the substitute amendment, which failed of adoption.

The question recurred on the adoption of **Amendment 1**, which was withdrawn.

Representative(s) Rayson and Cosgrove offered the following:

(Amendment Bar Code: 083655)

Amendment 2—On page 4, lines 19-30
remove from the bill: all of said lines

and insert in lieu thereof:

2.3. The experience of all policy forms providing similar benefits shall be combined for all rating purposes. *Premium rates may reflect differences in policy benefits between forms within the pool.*

Rep. Rayson moved the adoption of the amendment.

Representative(s) Cosgrove and Rayson offered the following:

(Amendment Bar Code: 312515)

Substitute Amendment 2—On page 15, line 31

after the semicolon, insert: *premiums charged and losses incurred for other similar policies;*

Rep. Cosgrove moved the adoption of the substitute amendment, which failed of adoption.

The question recurred on the adoption of **Amendment 2**, which was withdrawn.

Representative(s) Rayson and Cosgrove offered the following:

(Amendment Bar Code: 942073)

Amendment 3 (with title amendment)—On page 8, line 11 through page 11, line 18
remove from the bill: all of said lines

and insert in lieu thereof:

(8)(a) For the purposes of subsections (6) and (7), benefits of an individual accident and health insurance policy form, including Medicare supplement policies as defined in s. 627.672, when authorized by rules adopted by the department, and excluding long term care insurance policies as defined in s. 627.9404, and other policy forms under which more than 50 percent of the policies are issued to individuals age 65 and over, are deemed to be reasonable in relation to premium rates if the rates are filed pursuant to a loss ratio guarantee and both the initial rates and the durational and lifetime loss ratios have been approved by the department, and such benefits shall continue to be deemed reasonable for renewal rates while the insurer complies with such guarantee, provided the currently expected lifetime loss ratio is not more than 5 percent less than the filed lifetime loss ratio as certified to by an actuary. The department shall have the right to bring an administrative action should it deem that the lifetime loss ratio will

not be met. For Medicare supplement filings, the department may withdraw a previously approved filing which was made pursuant to a loss ratio guarantee if it determines that the filing is not in compliance with ss. 627.671-627.675 or the currently expected lifetime loss ratio is less than the filed lifetime loss ratio as certified by an actuary in the initial guaranteed loss ratio filing. If this section conflicts with ss. 627.671-627.675, ss. 627.671-627.675 shall control.

(b) The renewal premium rates shall be deemed to be approved upon filing with the department if the filing is accompanied by the most current approved loss ratio guarantee. The loss ratio guarantee shall be in writing, shall be signed by an officer of the insurer, and shall contain at least:

1. A recitation of the anticipated lifetime and durational target loss ratios contained in the actuarial memorandum filed with the policy form when it was originally approved. The durational target loss ratios shall be calculated for 1-year experience periods. If statutory changes have rendered any portion of such actuarial memorandum obsolete, the loss ratio guarantee shall also include an amendment to the actuarial memorandum reflecting current law and containing new lifetime and durational loss ratio targets.

2. A guarantee that the applicable loss ratios for the experience period in which the new rates will take effect, and for each experience period thereafter until new rates are filed, will meet the loss ratios referred to in subparagraph 1.

3. A guarantee that the applicable loss ratio results for the experience period will be independently audited at the insurer's expense. The audit shall be performed in the second calendar quarter of the year following the end of the experience period, and the audited results shall be reported to the department no later than the end of such quarter. The department shall establish by rule the minimum information reasonably necessary to be included in the report. The audit shall be done in accordance with accepted accounting and actuarial principles.

4. A guarantee that affected policyholders in this state shall be issued a proportional refund, based on the premium earned, of the amount necessary to bring the applicable experience period loss ratio up to the durational target loss ratio referred to in subparagraph 1. The refund shall be made to all policyholders in this state who are insured under the applicable policy form as of the last day of the experience period, except that no refund need be made to a policyholder in an amount less than \$10. Refunds less than \$10 shall be aggregated and paid pro rata to the policyholders receiving refunds. The refund shall include interest at the then current variable loan interest rate for life insurance policies established by the National Association of Insurance Commissioners, from the end of the experience period until the date of payment. Payments shall be made during the third calendar quarter of the year following the experience period for which a refund is determined to be due. However, no refunds shall be made until 60 days after the filing of the audit report in order that the department has adequate time to review the report.

5. A guarantee that if the applicable loss ratio exceeds the durational target loss ratio for that experience period by more than 20 percent, provided there are at least 2,000 policyholders on the form nationwide or, if not, then accumulated each calendar year until 2,000 policyholder years is reached, the insurer, if directed by the department, shall withdraw the policy form for the purposes of issuing new policies.

(c) As used in this subsection:

1. "Loss ratio" means the ratio of incurred claims to earned premium.

2. "Applicable loss ratio" means the loss ratio attributable solely to this state if there are 2,000 or more policyholders in the state. If there are 500 or more policyholders in this state but less than 2,000, it is the linear interpolation of the nationwide loss ratio and the loss ratio for this state. If there are less than 500 policyholders in this state, it is the nationwide loss ratio.

3.—“Experience period” means the period, ordinarily a calendar year, for which a loss ratio guarantee is calculated.

And the title is amended as follows:

On page 1, line 5,

after the semicolon insert: repealing language relating to loss ratio guarantee;

Rep. Rayson moved the adoption of the amendment.

Representative(s) Rayson and Cosgrove offered the following:

(Amendment Bar Code: 924451)

Substitute Amendment 3—On page 4, lines 19-30 remove from the bill: all of said lines

and insert in lieu thereof:

2.3. The experience of all policy forms providing similar benefits shall be combined for all rating purposes. *Premium rates may reflect differences in policy benefits between forms within the pool.*

Rep. Rayson moved the adoption of the substitute amendment, which failed of adoption.

The question recurred on the adoption of **Amendment 3**, which was withdrawn.

Representative(s) Rayson and Cosgrove offered the following:

(Amendment Bar Code: 091415)

Amendment 4—On page 8, lines 14 & 15 remove from the bill: all of said lines

and insert in lieu thereof: as defined in s. 627.672, when authorized by rules adopted by the department, and excluding long-term care insurance

Rep. Rayson moved the adoption of the amendment.

Representative(s) Rayson and Cosgrove offered the following:

(Amendment Bar Code: 963333)

Substitute Amendment 4 (with title amendment)—On page 8, line 11 through page 11, line 18 remove from the bill: all of said lines

and insert in lieu thereof:

(8)(a) ~~For the purposes of subsections (6) and (7), benefits of an individual accident and health insurance policy form, including Medicare supplement policies as defined in s. 627.672, when authorized by rules adopted by the department, and excluding long-term care insurance policies as defined in s. 627.9404, and other policy forms under which more than 50 percent of the policies are issued to individuals age 65 and over, are deemed to be reasonable in relation to premium rates if the rates are filed pursuant to a loss ratio guarantee and both the initial rates and the durational and lifetime loss ratios have been approved by the department, and such benefits shall continue to be deemed reasonable for renewal rates while the insurer complies with such guarantee, provided the currently expected lifetime loss ratio is not more than 5 percent less than the filed lifetime loss ratio as certified to by an actuary. The department shall have the right to bring an administrative action should it deem that the lifetime loss ratio will not be met. For Medicare supplement filings, the department may withdraw a previously approved filing which was made pursuant to a loss ratio guarantee if it determines that the filing is not in compliance with ss. 627.671-627.675 or the currently expected lifetime loss ratio is less than the filed lifetime loss ratio as certified by an actuary in the initial guaranteed loss ratio filing. If this section conflicts with ss. 627.671-627.675, ss. 627.671-627.675 shall control.~~

(b) ~~The renewal premium rates shall be deemed to be approved upon filing with the department if the filing is accompanied by the most~~

current approved loss ratio guarantee. The loss ratio guarantee shall be in writing, shall be signed by an officer of the insurer, and shall contain at least:

1. ~~A recitation of the anticipated lifetime and durational target loss ratios contained in the actuarial memorandum filed with the policy form when it was originally approved. The durational target loss ratios shall be calculated for 1-year experience periods. If statutory changes have rendered any portion of such actuarial memorandum obsolete, the loss ratio guarantee shall also include an amendment to the actuarial memorandum reflecting current law and containing new lifetime and durational loss ratio targets.~~

2. ~~A guarantee that the applicable loss ratios for the experience period in which the new rates will take effect, and for each experience period thereafter until new rates are filed, will meet the loss ratios referred to in subparagraph 1.~~

3. ~~A guarantee that the applicable loss ratio results for the experience period will be independently audited at the insurer's expense. The audit shall be performed in the second calendar quarter of the year following the end of the experience period, and the audited results shall be reported to the department no later than the end of such quarter. The department shall establish by rule the minimum information reasonably necessary to be included in the report. The audit shall be done in accordance with accepted accounting and actuarial principles.~~

4. ~~A guarantee that affected policyholders in this state shall be issued a proportional refund, based on the premium earned, of the amount necessary to bring the applicable experience period loss ratio up to the durational target loss ratio referred to in subparagraph 1. The refund shall be made to all policyholders in this state who are insured under the applicable policy form as of the last day of the experience period, except that no refund need be made to a policyholder in an amount less than \$10. Refunds less than \$10 shall be aggregated and paid pro rata to the policyholders receiving refunds. The refund shall include interest at the then current variable loan interest rate for life insurance policies established by the National Association of Insurance Commissioners, from the end of the experience period until the date of payment. Payments shall be made during the third calendar quarter of the year following the experience period for which a refund is determined to be due. However, no refunds shall be made until 60 days after the filing of the audit report in order that the department has adequate time to review the report.~~

5. ~~A guarantee that if the applicable loss ratio exceeds the durational target loss ratio for that experience period by more than 20 percent, provided there are at least 2,000 policyholders on the form nationwide or, if not, then accumulated each calendar year until 2,000 policyholder years is reached, the insurer, if directed by the department, shall withdraw the policy form for the purposes of issuing new policies.~~

(c) ~~As used in this subsection:~~

1. ~~“Loss ratio” means the ratio of incurred claims to earned premium.~~

2. ~~“Applicable loss ratio” means the loss ratio attributable solely to this state if there are 2,000 or more policyholders in the state. If there are 500 or more policyholders in this state but less than 2,000, it is the linear interpolation of the nationwide loss ratio and the loss ratio for this state. If there are less than 500 policyholders in this state, it is the nationwide loss ratio.~~

3. ~~“Experience period” means the period, ordinarily a calendar year, for which a loss ratio guarantee is calculated.~~

And the title is amended as follows:

On page 1, line 5,

after the semicolon insert: repealing language relating to loss ratio guarantee;

Rep. Rayson moved the adoption of the substitute amendment, which failed of adoption.

The question recurred on the adoption of **Amendment 4**, which was withdrawn.

Representative(s) Rayson and Cosgrove offered the following:

(Amendment Bar Code: 404123)

Amendment 5—On page 11, line 21 through page 12, line 15 remove from the bill: all of said lines

and insert in lieu thereof:

627.411 Grounds for disapproval.—

(1) The department shall disapprove any form filed under s. 627.410, or withdraw any previous approval thereof, only if the form:

(a) Is in any respect in violation of, or does not comply with, this code.

(b) Contains or incorporates by reference, where such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses, or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract.

(c) Has any title, heading, or other indication of its provisions which is misleading.

(d) Is printed or otherwise reproduced in such manner as to render any material provision of the form substantially illegible.

(e)1. Is for health insurance, and provides benefits which are unreasonable in relation to the premium charged *as specified in s. 627.411(2); or;*

2. Contains provisions which are unfair or inequitable or contrary to the public policy of this state or which encourage misrepresentation, or *are unfairly discriminatory pursuant to s. 626.9541(1) or which apply rating methods, assumptions or practices which result in: practices which result in premium escalations that are not viable for the policyholder market or result in unfair discrimination in sales practices.*

i. *Rate increases as a result of insurer conduct as defined in s. 627.402 unless such increase is implemented with an approved rate for new insureds and as to insureds existing at the time of the increase, over a period of years as follows: for forms with benefits subject to medical inflation, the premium schedule increase applicable to existing insureds at the time of the filing shall be the greater of 10% or 135% of medical trend. Annual rate increases in subsequent years for the new issue rate schedule shall be increased in accordance with the provisions of this section, s. 627.410 and rules promulgated by the department. The annual increase for the existing insureds shall be the greater of 10% of the new issue rate schedule or 135% of the rate increase approved for the new issue premium schedule until the two rate schedules converge. For forms with benefits not subject to medical inflation, the period of years for the two schedules to converge shall be two years, if the two rate increases are both less than 10%, otherwise three years;*

ii. *Rate increases as a result of multiple events of insurer conduct, unless a plan of corrective action is approved by the department;*

iii. *Rate increases attributed to forms(s) being closed as to new sales and not pooled with any form with similar benefits currently available for sale, unless such increase is limited to the rate increase being realized in the general insurance market of current forms available for sale with similar benefits;*

iv. *For new forms, rate schedules that are not actuarially sustainable, except for medical trend increases where applicable.*

The department shall promulgate rules to implement the provisions of this section.

Rep. Rayson moved the adoption of the amendment. Subsequently, **Amendment 5** was withdrawn.

Representative(s) Rayson and Cosgrove offered the following:

(Amendment Bar Code: 195373)

Amendment 6—On page 11, lines 12-16 remove from the bill: all of said lines

and insert in lieu thereof: policyholders in this state, it is the nationwide loss ratio.

Rep. Rayson moved the adoption of the amendment, which was adopted.

Representative(s) Rayson and Cosgrove offered the following:

(Amendment Bar Code: 121769)

Amendment 7 (with title amendment)—On page 17, between lines 20 and 21 of the bill

insert:

Section 3. *The provisions of this act do not apply to Medicare supplement policies, long-term care policies, accident-only policies, hospital indemnity or fixed indemnity policies, disability income policies, or dental or vision policies.*

And the title is amended as follows:

On page 1, lines 10 and 11 remove from the title of the bill: all of said lines

and insert in lieu thereof: policy forms by the department; providing exceptions to the applicability of the act; providing an effective date.

Rep. Rayson moved the adoption of the amendment.

Rep. L. Miller suggested the absence of a quorum. A quorum was present.

The question recurred on the adoption of **Amendment 7**, which failed of adoption. The vote was:

Session Vote Sequence: 252

Yeas—35

Betancourt	Frankel	Lee	Smith, C.
Bloom	Garcia	Levine	Sobel
Brown	Greene, A.	Miller, L.	Sorensen
Bush	Greenstein	Posey	Stafford
Chestnut	Henriquez	Rayson	Suarez
Cosgrove	Heyman	Reddick	Sublette
Edwards	Hill	Ritchie	Turnbull
Effman	Jacobs	Ritter	Wilson
Eggelletion	Kosmas	Ryan	

Nays—68

The Chair	Cantens	Hart	Putnam
Albright	Casey	Jones	Rojas
Alexander	Constantine	Kilmer	Rubio
Andrews	Crady	Kyle	Russell
Argenio	Crist	Lacasa	Sanderson
Arnall	Crow	Littlefield	Sembler
Bainter	Dockery	Lynn	Smith, K.
Ball	Farkas	Maygarden	Spratt
Barreiro	Fasano	Melvin	Stansel
Bense	Feeney	Merchant	Starks
Bilirakis	Florentino	Miller, J.	Trovillion
Bitner	Flanagan	Minton	Tullis
Boyd	Futch	Morrone	Villalobos
Bradley	Gay	Ogles	Wallace
Bronson	Goodlette	Patterson	Waters
Brummer	Green, C.	Prieguez	Wiles
Byrd	Harrington	Pruitt	Wise

Votes after roll call:

Yeas—Logan

Yeas to Nays—Garcia

Nays to Yeas—Gay

Representative(s) Patterson offered the following:

(Amendment Bar Code: 091053)

Amendment 8—On page 5, line 6, before *loss*,

insert: *long term care*,

Rep. Patterson moved the adoption of the amendment, which was adopted.

Representative(s) Patterson offered the following:

(Amendment Bar Code: 890951)

Amendment 9—On page 13, line 7, before the colon,

insert: *and the original loss ratio for the form established by the company, except that the original loss ratio may be reduced upon a filing and an approval that a reduction to the loss ratio is necessary to cover actual increased expenses of the company*

Rep. Patterson moved the adoption of the amendment, which was adopted.

Representative(s) Patterson offered the following:

(Amendment Bar Code: 204837)

Amendment 10—On page 3, line 3, after *standards*,

insert: *in this section and*

Rep. Patterson moved the adoption of the amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

Recessed

On motion by Rep. Arnall, the House recessed at 12:38 p.m., to reconvene at 1:30 p.m. today.

Reconvened

The House was called to order by the Speaker at 1:30 p.m. A quorum was present.

On motion by Rep. Arnall, the rules were suspended and the House moved to the order of—

Motions Relating to Committee References

The question recurred on the motion offered by Rep. Crist earlier today to withdraw HB 2409 from the Committee on Crime & Punishment and place it on the appropriate Calendar, which was agreed to by two-thirds vote.

Suspension of the Rules for Committee Meetings and Bills

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, the rules were suspended and the Committee on Health & Human Services Appropriations was given permission to add CS/HB 39 to the agenda for its meeting Wednesday, April 26, at 8:00 a.m., in Reed Hall.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, the rules were suspended and the Committee on Criminal Justice Appropriations was given permission to add CS/HB 1859 to the agenda for its meeting Wednesday, April 26, at 8:00 a.m., in 12H.

Continuation of Special Orders

HB 1125—A bill to be entitled An act relating to improving racial and ethnic health outcomes; creating s. 381.7351, F.S.; creating the

“Reducing Racial and Ethnic Health Disparities: Closing the Gap Act”; creating s. 381.7352, F.S.; providing legislative findings and intent; creating s. 381.7353, F.S.; providing for the creation of the Reducing Racial and Ethnic Health Disparities: Closing the Gap grant program, to be administered by the Department of Health; providing department duties and responsibilities; authorizing appointment of an advisory committee; creating s. 381.7354, F.S.; providing eligibility for grant awards; creating s. 381.7355, F.S.; providing project requirements, an application process, and review criteria; creating s. 381.7356, F.S.; providing for Closing the Gap grant awards; providing for local matching funds; providing factors for determination of the amount of grant awards; providing for award of grants to begin by a specified date, subject to specific appropriation; providing for annual renewal of grants; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Health & Human Services Appropriations offered the following:

(Amendment Bar Code: 802601)

Amendment 1 (with title amendment)—On page 10, lines 10 through 15

remove from the bill: all of said lines

And the title is amended as follows:

On page 1, line 24,

remove from the title of the bill: providing an appropriation;

Rep. Bradley moved the adoption of the amendment, which was adopted.

The Committee on Health Care Services offered the following:

(Amendment Bar Code: 063813)

Amendment 2—On page 2, line 23,
remove from the bill: six

and insert in lieu thereof: fourteen

Rep. Bradley moved the adoption of the amendment, which was adopted.

The Committee on Health Care Services offered the following:

(Amendment Bar Code: 171597)

Amendment 3—On page 4, lines 10-23,
remove from the bill: all of said lines

and insert in lieu thereof: *organize local public and private resources, and faith based organizations to address these disparities, and evaluate the effectiveness of interventions.*

(2) *It is therefore the intent of the Legislature to provide funds within Florida counties and Front Porch Florida Communities, in the form of Reducing Racial and Ethnic Health Disparities: Closing the Gap grants, to stimulate the development of community-based and neighborhood-based projects which will improve the health outcomes of racial and ethnic populations. Further, it is the intent of the Legislature that these programs foster the development of coordinated, collaborative, and broad-based participation by public and private entities, and faith based organizations. Finally, it is the intent of the Legislature that the grant program function as a partnership between state and local governments, faith based organizations, and private-sector health care providers,*

Rep. Bradley moved the adoption of the amendment, which was adopted.

The Committee on Health Care Services offered the following:

(Amendment Bar Code: 974787)

Amendment 4—On page 6, lines 5-24,
remove from the bill: all of said lines

and insert in lieu thereof: *county may apply for a Closing the Gap grant and may serve as the lead agency to administer and coordinate project activities within the county and develop community partnerships necessary to implement the grant.*

(2) *Persons, entities, or organizations within adjoining counties with populations of less than 100,000, based on the annual estimates produced by the Population Program of the University of Florida Bureau of Economic and Business Research, may jointly submit a multicounty Closing the Gap grant proposal. However, the proposal must clearly identify a single lead agency with respect to program accountability and administration.*

(3) *In addition to the grants awarded under subsections (1) and (2), up to 20 percent of the funding for the Reducing Racial and Ethnic Health Disparities: Closing the Gap grant program shall be dedicated to projects that address improving racial and ethnic health status within specific Front Porch Florida Communities, as designated pursuant to s. 14.2015(9)(b).*

Rep. Bradley moved the adoption of the amendment, which was adopted.

The Committee on Health Care Services offered the following:

(Amendment Bar Code: 781503)

Amendment 5—On page 9, lines 6-22, remove from the bill: all of said lines

and insert in lieu thereof:

(1) *One or more Closing the Gap grants may be awarded in a county, or in a group of adjoining counties from which a multicounty application is submitted. Front Porch Florida Communities grants may also be awarded in a county or group of adjoining counties that is also receiving a grant award.*

(2) *Closing the Gap grants shall be awarded on a matching basis. One dollar in local matching funds must be provided for each \$3 grant payment made by the state, except that:*

(a) *In counties with populations greater than 50,000, up to 50 percent of the local match may be in-kind in the form of free services or human resources. Fifty percent of the local match must be in the form of cash.*

(b) *In counties with populations of 50,000 or less, the required local matching funds may be provided entirely through in-kind contributions.*

(c) *Grant awards to Front Porch Florida Communities shall not be*

Rep. Bradley moved the adoption of the amendment, which was adopted.

The Committee on Health Care Services offered the following:

(Amendment Bar Code: 915853)

Amendment 6—On page 2, between lines 24 and 25, of the bill insert:

WHEREAS, African Americans ages 35 and older are 7 to 15 percent more likely to develop glaucoma compared to all other population groups, and 50 percent of Asians over the age of 50 have glaucoma, and

Rep. Bradley moved the adoption of the amendment, which was adopted.

Representative(s) Wasserman Schultz offered the following:

(Amendment Bar Code: 522875)

Amendment 7—On page 4, between lines 25 and 26 of the bill insert:

(3) *A faith-based organization receiving funding under the Reducing Racial and Ethnic Health Disparities: Closing the Gap Act must be a nonprofit organization holding a current exemption from*

federal taxation under s. 501(c)(3) of the Internal Revenue Code. Funding under this section shall not be used for religious or sectarian purposes.

Rep. Wasserman Schultz moved the adoption of the amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 1963 was taken up. On motion by Rep. Lynn, the rules were suspended and—

CS for CS for CS for SB's 852, 2 & 46—A bill to be entitled An act relating to school safety and security; amending s. 229.57, F.S.; revising criteria for determining a school's performance grade category for specified school years; creating s. 229.8347, F.S.; establishing the Partnership for School Safety and Security; providing responsibilities of the partnership; assigning the partnership to the Department of Education for administrative purposes; providing for membership, meetings, and reimbursement for expenses; providing for the partnership to be funded through the General Appropriations Act; providing for staff support and technical assistance; requiring that the partnership prepare annual reports; requiring the Department of Education to develop an individualized school safety and environment assessment instrument; requiring that the department expand performance standards for school safety; amending s. 230.23025, F.S.; requiring that safety and security be included as part of the factors reviewed as best financial management practices for school districts; amending s. 230.235, F.S.; requiring each district school board to review its zero-tolerance policy and ensure the inclusion of specific offenses; creating s. 231.0851, F.S.; requiring that school principals report and verify data concerning school safety and discipline; requiring that the State Board of Education adopt a form for such reports; requiring the Department of Education to improve reporting concerning school safety; requiring that the department develop indicators of safe schools; amending s. 232.24521, F.S.; prohibiting the use of a student's attendance record as the basis of an exemption from academic performance requirements; amending s. 232.26, F.S.; requiring that any suspension of a student with disabilities be in accordance with rules of the State Board of Education; creating s. 235.192, F.S.; requiring school districts and community colleges to provide blueprints of educational facilities to certain agencies; requiring that school districts and community colleges provide a revised blueprint following modification of a facility; requiring the Department of Education to assess safety and security initiatives and make certain reports; establishing a pilot program to assess teams that meet the optimal ratios of certain school professionals to students; requiring that the school district evaluate the program and make certain reports; requiring a plan for school transportation safety; amending s. 232.17, F.S.; prohibiting students referred to a child study team from enrolling in a home education program; providing exceptions; providing an appeals process; amending s. 414.125, F.S.; revising criteria for reduction of temporary cash assistance; amending s. 984.03, F.S.; revising the definitions of the terms "habitually truant" and "truancy petition"; amending s. 984.151, F.S.; revising requirements for filing a truancy petition; providing an appropriation; providing an effective date.

—was substituted for CS/HB 1963 and read the second time by title. Under Rule 50, the House bill was laid on the table.

Representative(s) Lynn offered the following:

(Amendment Bar Code: 441649)

Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Subsection (25) of section 228.041, Florida Statutes, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(25) SUSPENSION.—

~~(a) Suspension, also referred to as out of school suspension, is the temporary removal of a student from all classes of instruction on public school grounds and all other school sponsored activities, except as authorized by the principal or the principal's designee, for a period not to exceed 10 school days.~~

~~(b) In-school Suspension is the temporary removal of a student from the student's regular school program and remanding of the student to the custody of the student's parent or guardian with specific homework assignments for the student to complete, or placement of the student in an alternative program, such as that provided in s. 230.2316, under the supervision of school district personnel during regular school hours, for a period not to exceed 10 school days.~~

Section 2. Paragraph (a) of subsection (8) of section 229.57, Florida Statutes, is amended to read:

229.57 Student assessment program.—

(8) DESIGNATION OF SCHOOL PERFORMANCE GRADE CATEGORIES.—School performance grade category designations itemized in subsection (7) shall be based on the following:

(a) Timeframes.—

1. School performance grade category designations shall be based on one school year of performance.

2. In school years 1998-1999 and 1999-2000, a school's performance grade category designation shall be determined by the student achievement levels on the FCAT, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, and student readiness for college, in accordance with state board rule.

3. ~~In Beginning with~~ the 2000-2001 school year, a school's performance grade category designation shall be based on a combination of student achievement scores as measured by the FCAT, on the degree of measured learning gains of the students, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, ~~school discipline data~~, and student readiness for college.

4. Beginning with the 2001-2002 school year and thereafter, a school's performance grade category designation shall be based on student learning gains as measured by annual FCAT assessments in grades 3 through 10, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, ~~school discipline data~~, cohort graduation rate, and student readiness for college.

~~For the purpose of implementing ss. 229.0535 and 229.0537, if any of the four schools that were identified as critically low performing, based on both 1996-1997 and 1997-1998 school performance data and state board adopted criteria, receives a performance grade category designation of "F," based on 1998-1999 school performance data, that school shall be considered as having failed to make adequate progress for 2 years in a 4-year period. All other schools that receive a performance grade category designation of "F," based on 1998-1999 school performance data, shall be considered as having failed to make adequate progress for 1 year.~~

Section 3. Paragraphs (c), (d), and (e) of subsection (6) of section 230.23, Florida Statutes, are amended, subsection (20) of said section is renumbered as subsection (22), and new subsections (20) and (21) are added to said section, and section 235.14, Florida Statutes, is redesignated as paragraph (f) of subsection (6) of said section and amended, to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(6) CHILD WELFARE.—Provide for the proper accounting for all children of school age, for the attendance and control of pupils at school, and for proper attention to health, safety, and other matters relating to the welfare of children in the following fields, as prescribed in chapter 232.

(c) Control of ~~students~~ pupils.—

1. Adopt rules and regulations for the control, discipline, ~~in-school suspension~~, suspension, and expulsion of ~~students~~ pupils and decide all cases recommended for expulsion. Suspension hearings are exempted from the provisions of chapter 120. Expulsion hearings shall be governed by ss. 120.569 and 120.57(2) and are exempt from s. 286.011. However, the ~~student's~~ pupil's parent or legal guardian must be given notice of the provisions of s. 286.011 and may elect to have the hearing held in compliance with that section. The ~~district~~ school board shall have the authority to prohibit the use of corporal punishment, provided that the ~~district~~ school board adopts or has adopted a written program of alternative control or discipline.

2. Have the authority as the ~~district~~ school board of a receiving school district to honor the final order of expulsion or dismissal of a student by any in-state or out-of-state public school board or private school, or developmental research school, for an act which would have been grounds for expulsion according to the receiving school district's code of student conduct, in accordance with the following procedures:

a. A final order of expulsion shall be recorded in the records of the receiving school district.

b. The expelled student applying for admission to the receiving school district shall be advised of the final order of expulsion.

c. The superintendent of schools of the receiving school district may recommend to the ~~district~~ school board that the final order of expulsion be waived and the student be admitted to the school district, or that the final order of expulsion be honored and the student not be admitted to the school district. If the student is admitted by the ~~district~~ school board, with or without the recommendation of the superintendent of schools, the student may be placed in an appropriate educational program at the direction of the ~~district~~ school board.

(d) Code of student conduct.—Adopt a code of student conduct for elementary schools and a code of student conduct for secondary schools and distribute the appropriate code to all teachers, school personnel, students, and parents or guardians, at the beginning of every school year. Each code shall be organized and written in language ~~that which~~ is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory ~~council meetings~~ ~~councils~~, and parent and teacher ~~association meetings~~ ~~associations~~. Each code shall be based on the rules governing student conduct and discipline adopted by the ~~district~~ school board and ~~shall~~ be made available in the student handbook or similar publication. Each code shall include, but not be limited to:

1. Consistent policies and specific grounds for disciplinary action, including ~~in-school suspension~~, ~~out-of-school suspension~~, expulsion, and any disciplinary action that may be imposed for the possession or use of alcohol on school property or while attending a school function or for the illegal use, sale, or possession of controlled substances as defined in chapter 893.

2. Procedures to be followed for acts requiring discipline, including corporal punishment.

3. An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

4. Notice that illegal use, possession, or sale of controlled substances, as defined in chapter 893, or possession of electronic telephone pagers, by any student while such student is upon school property or in attendance at a school function is grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

5. Notice that the possession of a firearm, a knife, ~~or a weapon~~, ~~or an item which can be used as a weapon~~ by any student while the student is on school property or in attendance at a school function is grounds for disciplinary action and may also result in criminal prosecution.

6. Notice that violence against any school district personnel by a student is grounds for ~~in-school suspension, out-of-school~~ suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

7. Notice that violation of *district* school board transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student is grounds for suspension of the student's privilege of riding on a school bus and may be grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

8. Notice that violation of the *district* school board's sexual harassment policy by a student is grounds for ~~in-school suspension, out-of-school~~ suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

9. Policies to be followed for the assignment of violent or disruptive students to an alternative educational program.

10. Notice that any student who is determined to have brought a firearm or weapon, as defined in *chapter 790.18 U.S.C.-s. 921*, to school, to any school function, or onto ~~on~~ any school-sponsored transportation will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred for criminal prosecution. *District* school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. Superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the *district* school board to modify the requirement by assigning the student to a disciplinary program or second chance school if it is determined to be in the best interest of the student and the school system.

11. Notice that any student who is determined to have made a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred for criminal prosecution. *District* school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. Superintendents of schools may consider the 1-year expulsion requirement on a case-by-case basis and request the *district* school board to modify the requirement by assigning the student to a disciplinary program or second chance school if it is determined to be in the best interest of the student and the school system.

(e) Student crime watch program.—By resolution of the *district* school board, implement a student crime watch program to promote responsibility among students and to assist in the control of criminal behavior within the schools.

(f) ~~235.14~~ Emergency drills; emergency procedures.—

1. The *district* school board shall formulate and prescribe policies and procedures for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, and bomb threats, for all the public schools of the *district* state which comprise grades K-12. *District* policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes.

2. The *district* school board shall establish model emergency management and emergency preparedness procedures for the following life-threatening emergencies:

- a. Weapon-use and hostage situations.
- b. Hazardous materials or toxic chemical spills.
- c. Weather emergencies, including hurricanes, tornadoes, and severe storms.
- d. Exposure as a result of a manmade emergency.

(20) *SCHOOL-WITHIN-A-SCHOOL*.—In order to reduce the anonymity of students in large schools, the district school board shall adopt policies effective for the 2001-2002 school year, and thereafter, to require any school that does not meet the definition of a small school, as established by s. 235.2157(2), to subdivide into schools-within-a-school, which shall operate within existing resources. A "school-within-a-school" means an operational program that uses flexible scheduling, team planning, and curricular and instructional innovation to organize groups of students with groups of teachers as smaller units, so as to functionally operate as a smaller school. Examples of this include, but are not limited to:

(a) An organizational arrangement assigning both students and teachers to smaller units in which the students take some or all of their coursework with their fellow grouped students and from the teachers assigned to the smaller unit. A unit may be grouped together for 1 year or on a vertical, multiyear basis.

(b) An organizational arrangement similar to that described in paragraph (a) with additional variations in instruction and curriculum. The smaller unit usually seeks to maintain a program different from that of the larger school, or of other smaller units. It may be vertically organized, but is dependent upon the school principal for its existence, budget, and staff.

(c) A separate and autonomous smaller unit formally authorized by the *district* school board or superintendent of schools. The smaller unit plans and runs its own program, has its own staff and students, and receives its own separate budget. The smaller unit must negotiate the use of common space with the larger school and defer to the building principal on matters of safety and building operation.

(21) *TEACHER SUPPORT*.—*District* school boards shall address the availability of qualified and experienced support services professionals who are trained in substance abuse or mental health to support teachers who identify students with potential problems. The *district* school board may address the availability of these qualified and experienced support services professionals through the use of in-school or local private providers.

Section 4. Section 230.23003, Florida Statutes, is created to read:

230.23003 Safety incident reporting.—

(1) Each *district* school board shall require all kindergarten through grade 12 principals within its jurisdiction to document all public school grounds, public school student, and public school staff related incidents of crime, delinquency, disorder, and disruption. Documentable incidents shall include:

- (a) Incidents requiring student referrals for disciplinary action;
- (b) Noncriminal incidents instigated by nonstudent, nonstaff persons on school property; and
- (c) Reportable incidents as defined pursuant to s. 230.235.

(2) Subject to mutual agreement between school districts and their local sheriff's offices and local police, arrests made of public school students or staff which occur off of school property shall be reported to the principal of the school in which the student is enrolled or the staff person employed, by the law enforcement agency making the arrest. These incidents shall also be documented by the principal of that school.

(3) Each school in every *district* shall be required to report all documented incidents to the appropriate school *district* personnel responsible for collecting and reporting school safety data to the Department of Education.

(4) Each principal must ensure that standardized forms prescribed by the department are used to report data concerning school safety and discipline. The principal must develop a plan to verify the accuracy of reported incidents.

(5) By December 31, 2000, the Department of Education shall develop a statewide uniform safety incident reporting form.

Section 5. Section 230.23015, Florida Statutes, is amended to read:

230.23015 Students violating s. 784.081; expulsion or placement in alternative school setting.—*Except as otherwise provided in s. 232.251* ~~Notwithstanding any other provision of law,~~ each district school board shall adopt rules providing that any student found to have committed a violation of s. 784.081(1), (2), or (3) shall be expelled or placed in an alternative school setting or other youth services or justice program, as appropriate. Upon being charged with the offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

Section 6. Subsection (1) of section 230.23025, Florida Statutes, is amended to read:

230.23025 Best financial management practices; standards; reviews; designation of districts.—

(1) The Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Office of the Auditor General are directed to develop a system for reviewing the financial management practices of school districts. In this system, OPPAGA and the Auditor General shall jointly examine district operations to determine whether they meet “best financial management practices.” The best financial management practices adopted by the Commissioner of Education may be updated periodically after consultation with the Legislature, the Governor, the SMART Schools Clearinghouse, OPPAGA, and the Auditor General. The best financial management practices, at a minimum, must instill public confidence by addressing the following areas:

(a) Efficient use of resources, use of lottery proceeds, student transportation and food service operations, management structures, and personnel systems and benefits.;

(b) Compliance with generally accepted accounting principles and state and federal laws relating to financial management.;

(c) Performance accountability systems, including performance measurement reports to the public, internal auditing, financial auditing, and information made available to support decisionmaking.;

(d) Cost control systems, including asset, risk, and financial management, purchasing, and information system controls.

(e) *Safety and security practices at the district and school levels.*

Section 7. Section 230.23145, Florida Statutes, is created to read:

230.23145 *Student support services pilot program.—*

(1) *From the funds provided in the 2000-2001 General Appropriations Act, there is established a pilot program to assess the use of and assist guidance counselors in public schools. The Department of Education shall develop a standardized reporting form for districts to apply to participate in the pilot program.*

(2) *To be eligible to participate, each school district must provide:*

(a) *Information relating to the current use of guidance counselors within the district. The department's reporting form must require a breakdown of the percentage of time district guidance counselors spend on activities including, but not limited to: clerical work not related to counseling or evaluation, clerical work related to counseling or evaluation, direct student counseling, and student evaluation.*

(b) *A plan outlining the proposed use of part-time or nondegree personnel to provide clerical assistance to school guidance counselors, so that the major focus of the guidance counselors will be direct student contact, student counseling, or student evaluation.*

(3) *The Commissioner of Education shall choose a small, medium, and large district to participate in the pilot program based upon the comprehensiveness of the district report and innovative strategies outlined in the district plan. Each school district chosen to participate in the pilot program shall report to the Department of Education on improved student performance, reduced school discipline problems, or other significant outcome measures by August 1, 2001.*

Section 8. Paragraphs (c) and (d) of subsection (3) of section 230.2316, Florida Statutes, are amended to read:

230.2316 Dropout prevention.—

(3) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.—

(c) A student shall be identified as being eligible to receive services funded through the dropout prevention and academic intervention program based upon one of the following criteria:

1. The student is academically unsuccessful as evidenced by low test scores, retention, failing grades, low grade point average, falling behind in earning credits, or not meeting the state or district proficiency levels in reading, mathematics, or writing.

2. The student has a pattern of excessive absenteeism or has been identified as a habitual truant.

3. The student has a history of disruptive behavior in school or has committed an offense that warrants ~~out-of-school~~ suspension or expulsion from school according to the district code of student conduct. For the purposes of this program, “disruptive behavior” is behavior that:

a. Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classroom; or

b. Severely threatens the general welfare of students or others with whom the student comes into contact.

(d)1. “Second chance schools” means school district programs provided through cooperative agreements between the Department of Juvenile Justice, private providers, state or local law enforcement agencies, or other state agencies for students who have been disruptive or violent or who have committed serious offenses. As partnership programs, second chance schools are eligible for waivers by the Commissioner of Education from chapters 230-235 and 239 and State Board of Education rules that prevent the provision of appropriate educational services to violent, severely disruptive, or delinquent students in small nontraditional settings or in court-adjudicated settings.

2. School districts seeking to enter into a partnership with a private entity or public entity to operate a second chance school for disruptive students may apply to the Department of Education for startup grants from the Department of Education. These grants must be available for 1 year and must be used to offset the startup costs for implementing such programs off public school campuses. General operating funds must be generated through the appropriate programs of the Florida Education Finance Program. Grants approved under this program shall be for the full operation of the school by a private nonprofit or for-profit provider or the public entity. This program must operate under rules adopted by the Department of Education and must be implemented to the extent funded by the Legislature.

3. A student enrolled in a sixth, seventh, eighth, ninth, or tenth grade class may be assigned to a second chance school if the student meets the following criteria:

a. The student is a habitual truant as defined in s. 228.041(28).

b. The student's excessive absences have detrimentally affected the student's academic progress and the student may have unique needs that a traditional school setting may not meet.

c. The student's high incidences of truancy have been directly linked to a lack of motivation.

d. The student has been identified as at risk of dropping out of school.

4. A student who is habitually truant may be assigned to a second chance school only if the case staffing committee, established pursuant to s. 984.12, determines that such placement could be beneficial to the student and the criteria included in subparagraph 2. are met.

5. A student may be assigned to a second chance school if the school district in which the student resides has a second chance school and if the student meets one of the following criteria:

a. The student habitually exhibits disruptive behavior in violation of the code of student conduct adopted by the school board.

b. The student interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide, or, while the student is under the jurisdiction of the school either in or out of the classroom, frequent conflicts of a disruptive nature occur.

c. The student has committed a serious offense which warrants suspension or expulsion from school according to the district code of student conduct. For the purposes of this program, "serious offense" is behavior which:

(I) Threatens the general welfare of students or others with whom the student comes into contact;

(II) Includes violence;

(III) Includes possession of weapons or drugs; or

(IV) Is harassment or verbal abuse of school personnel or other students.

6. Prior to assignment of students to second chance schools, *district* school boards are encouraged to use alternative programs, such as ~~in-school~~ suspension, which provide instruction and counseling leading to improved student behavior, a reduction in the incidence of truancy, and the development of more effective interpersonal skills.

7. Students assigned to second chance schools must be evaluated by the school's local child study team before placement in a second chance school. The study team shall ensure that students are not eligible for placement in a program for emotionally disturbed children.

8. Students who exhibit academic and social progress and who wish to return to a traditional school shall complete a character development and law education program, as provided in s. 233.0612, and demonstrate preparedness to reenter the regular school setting prior to reentering a traditional school.

Section 9. Subsection (2) of section 230.235, Florida Statutes, is redesignated as subsection (3), and a new subsection (2) is added to said section, to read:

230.235 Policy of zero tolerance for crime.—

(2) *The policy shall require students found to have committed one of the following offenses to be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year, and to be referred for criminal prosecution:*

(a) *Bringing a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation.*

(b) *Making a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity.*

District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. Superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if it is determined to be in the best interest of the student and the school system. If a student committing any of the offenses in this subsection is a student with a disability, the school district shall comply with procedures pursuant to s. 232.251 and any applicable state board rule.

Section 10. Subsection (1) of section 232.17, Florida Statutes, is amended to read:

232.17 Enforcement of school attendance.—The Legislature finds that poor academic performance is associated with nonattendance and that schools must take an active role in enforcing attendance as a means of improving the performance of many students. It is the policy of the state that the superintendent of each school district be responsible for enforcing school attendance of all children and youth subject to the compulsory school age in the school district. The responsibility includes recommending to the school board policies and procedures to ensure that schools respond in a timely manner to every unexcused absence, or absence for which the reason is unknown, of students enrolled in the schools. School board policies must require each parent or guardian of a student to justify each absence of the student, and that justification will be evaluated based on adopted school board policies that define excused and unexcused absences. The policies must provide that schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance matters is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE.—

(a) Upon each unexcused absence, or absence for which the reason is unknown, the school principal or his or her designee shall contact the student's parent or guardian to determine the reason for the absence. If the absence is an excused absence, as defined by school board policy, the school shall provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.

(b) If a student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, the student's primary teacher shall report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance. The principal shall, unless there is clear evidence that the absences are not a pattern of nonattendance, refer the case to the school's child study team to determine if early patterns of truancy are developing.

If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies, *and the principal shall notify the superintendent of schools and the school district contact for home education programs that the referred student is exhibiting a pattern of nonattendance.*

(c) If an initial meeting does not resolve the problem, the child study team shall implement interventions that best address the problem. The interventions may include, but need not be limited to:

1. Frequent communication between the teacher and the family;

2. Changes in the learning environment;

3. Mentoring;

4. Student counseling;

5. Tutoring, including peer tutoring;

6. Placement into different classes;

7. Evaluation for alternative education programs;

8. Attendance contracts;

9. Referral to other agencies for family services; or

10. Other interventions, *including, but not limited to, a truancy petition pursuant to s. 984.151.*

(d) The child study team shall be diligent in facilitating intervention services and shall report the case to the superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted.

(e) If the parent, guardian, or other person in charge of the child refuses to participate in the remedial strategies because he or she believes that those strategies are unnecessary or inappropriate, the parent, guardian, or other person in charge of the child may appeal to the school board. The school board may provide a hearing officer, and the hearing officer shall make a recommendation for final action to the board. If the board's final determination is that the strategies of the child study team are appropriate, and the parent, guardian, or other person in charge of the child still refuses to participate or cooperate, the superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

(f)1. If the parent or guardian of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to s. 232.0201, the superintendent of schools shall provide the parent a copy of s. 232.0201 and the accountability requirements of this paragraph. The superintendent of schools shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 232.0201, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. 232.0201(1)(b). The first portfolio review must occur within the first 30 calendar days of the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 232.0201(1)(b).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the superintendent of schools. The superintendent of schools shall then terminate the home education program and require the parent to enroll the child in an attendance option provided under s. 232.02(1), (2), (3), or (5), within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent or guardian shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent or guardian to enroll the child in an attendance option provided under s. 232.02(1), (2), (3), or (5) after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 232.01 and may result in criminal prosecution under s. 232.19(2). Nothing contained herein shall restrict the ability of the superintendent of schools, or the ability of his or her designee, to review the portfolio pursuant to s. 232.0201(1)(b).

(g)(4) If a child subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent, the guardian, or the superintendent or his or her designee shall refer the case to the case staffing committee pursuant to s. 984.12, and the superintendent or his or her designee may file a truancy petition pursuant to the procedures in s. 984.151.

Section 11. Subsection (3) of section 232.25, Florida Statutes, is amended to read:

232.25 Pupils subject to control of school.—

(3) Nothing shall prohibit a district school board from having the right to expel, or to take disciplinary action against, a student who is found to have committed an offense on school property at any time if:

(a) The student is found to have committed a delinquent act which would be a felony if committed by an adult;

(b) The student has had adjudication withheld for a delinquent act which, if committed by an adult, would be a felony; or

(c) The student has been found guilty of a felony.

However, if the student is a student with a disability, the disciplinary action must comply with the procedures set forth in s. 232.251 and state board rule.

Section 12. Section 232.251, Florida Statutes, is created to read:

232.251 Disciplinary actions against students with disabilities.—In accordance with the requirements of the federal Individuals with Disabilities Education Act Amendments of 1997:

(1) *AUTHORITY OF SCHOOL PERSONNEL.—*

(a) *School personnel may order a change in the placement of a student with a disability:*

1. *To an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days, to the extent that such alternatives would also be applied to students without disabilities; or*

2. *To an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 days if:*

a. *The student carries a weapon to school or to a school function under the jurisdiction of a school district; or*

b. *The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a school district.*

(b) *Not later than 10 days after taking a disciplinary action described in paragraph (a):*

1. *If the school district did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the student before the behavior that resulted in the suspension described in paragraph (a), the school district shall convene an individual education plan (IEP) meeting to develop an assessment plan to address that behavior; or*

2. *If the student already has a behavioral intervention plan, the IEP Team shall review the plan and modify it, as necessary, to address the behavior.*

(2) *AUTHORITY OF AN ADMINISTRATIVE LAW JUDGE.—An administrative law judge from the Division of Administrative Hearings may order a change in the placement of a student with a disability under this section, to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer:*

(a) *Determines that the school district has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.*

(b) *Considers the appropriateness of the student's current placement.*

(c) *Considers whether the school district has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services.*

(d) *Determines that the interim alternative educational setting meets the requirements of paragraph (3).*

(3) *DETERMINATION OF SETTING.—*

(a) *The alternative educational setting described in subparagraph (1)(a)2. shall be determined by the IEP Team.*

(b) *Any interim alternative educational setting in which a student is placed under subsection (1) or subsection (2) shall:*

1. *Be selected so as to enable the student to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in that IEP.*

2. *Include services and modifications designed to address the behavior described in subsection (1) or subsection (2) so that it does not recur.*

(4) MANIFESTATION DETERMINATION REVIEW.—

(a) If a disciplinary action is contemplated as described in subsection (1) or subsection (2) for a behavior of a student with a disability described in either of those subsections, or if a disciplinary action involving a change of placement for more than 10 days is contemplated for a student with a disability who has engaged in other behavior that violated any rule or code of conduct of the school district that applies to all students:

1. Not later than the date on which the decision to take that action is made, the parents shall be notified of that decision and of all procedural safeguards accorded under this section.

2. Immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review shall be conducted of the relationship between the student's disability and the behavior subject to the disciplinary action.

(b) A review required by paragraph (a) shall be conducted by the IEP Team and other qualified personnel.

(c) In carrying out a review required by paragraph (a), the IEP Team may determine that the behavior of the student was not a manifestation of the student's disability only if the IEP Team:

1. First considers, in terms of the behavior subject to disciplinary action, all relevant information, including:

a. Evaluation and diagnostic results, including such results or other relevant information supplied by the parents of the student;

b. Observations of the student; and

c. The student's IEP and placement; and

2. Then determines that:

a. In relationship to the behavior subject to disciplinary action, the student's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's IEP and placement;

b. The student's disability did not impair the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action; and

c. The student's disability did not impair the ability of the student to control the behavior subject to disciplinary action.

(5) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(a) The term "controlled substance" means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c).

(b) The term "illegal drug":

1. Means a controlled substance; but

2. Does not include such a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

(c) The term "substantial evidence" means beyond a preponderance of the evidence.

(d) The term "weapon" has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of Title 18, United States Code.

Procedures for compliance with the determination that the student's behavior was not a manifestation of a disability, parental appeal, placement during appeals, protection for students not yet eligible for special education and related services, and referral to an action by law enforcement and judicial authorities shall be pursuant to the Individuals

with Disabilities Education Act Amendments of 1997 and state board rule.

Section 13. Subsections (2) and (4) of section 232.26, Florida Statutes, are amended to read:

232.26 Authority of principal.—

(2) Suspension proceedings, pursuant to rules of the State Board of Education, may be initiated against any ~~pupil enrolled as a student~~ who is formally charged with a felony, or with a delinquent act which would be a felony if committed by an adult, by a proper prosecuting attorney for an incident which allegedly occurred on property other than public school property, if that incident is shown, in an administrative hearing with notice provided to the parents or legal guardian or custodian of such ~~student pupil~~ by the principal of the school pursuant to rules adopted promulgated by the State Board of Education and to rules developed pursuant to s. 231.085, to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled. Any ~~student pupil~~ who is suspended as the result of such proceedings ~~shall be immediately enrolled in an alternative education program during regular school hours. The suspension may exceed 10 days, as determined by the superintendent of schools. may be suspended from all classes of instruction on public school grounds during regular classroom hours for a period of time, which may exceed 10 days, as determined by the superintendent. Such suspension shall not affect the delivery of educational services to the pupil, and the pupil shall be immediately enrolled in a daytime alternative education program, or an evening alternative education program, where appropriate.~~ If the court determines that the ~~student pupil~~ did commit the felony or delinquent act which would have been a felony if committed by an adult, the ~~district~~ school board shall have the authority to expel the student, provided that expulsion under this subsection shall not affect the delivery of educational services to the ~~student pupil~~ in any residential, nonresidential, alternative, daytime, or evening program outside of the regular school setting. Any ~~student pupil~~ who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under chapter 893 may be entitled to a waiver of the discipline or expulsion:

(a) If the ~~student pupil~~ divulges information leading to the arrest and conviction of the person who supplied such controlled substance to him or her, or if the ~~student pupil~~ voluntarily discloses his or her unlawful possession of such controlled substance prior to his or her arrest. Any information divulged which leads to such arrest and conviction is not admissible in evidence in a subsequent criminal trial against the ~~student pupil~~ divulging such information.

(b) If the ~~student pupil~~ commits himself or herself, or is referred by the court in lieu of sentence, to a state-licensed drug abuse program and successfully completes the program.

(4) Any recommendation for the ~~suspension or~~ expulsion of a ~~handicapped student with a disability~~ shall be made in accordance with s. 232.251 and the rules adopted promulgated by the State Board of Education.

Section 14. Paragraph (c) of subsection (1) of section 232.27, Florida Statutes, is amended, paragraphs (d) through (j) of said subsection are redesignated as paragraphs (e) through (k), respectively, and a new paragraph (d) is added to said subsection, to read:

232.27 Authority of teacher; responsibility for control of students; school district duties.—Subject to law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to him or her by the principal or the principal's designated representative and shall keep good order in the classroom and in other places in which he or she is assigned to be in charge of students.

(1) Within the framework of the school district code of student conduct, teachers and other instructional personnel shall have the authority to undertake any of the following actions in managing student

behavior and ensuring the safety of all students in their classes and school:

(c) Have *disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive* students temporarily removed from the classroom for behavior management intervention.

(d) Have *violent, abusive, uncontrollable, or disruptive* students directed for information or assistance from appropriate school or district personnel.

Section 15. Subsections (2), (3), and (5) of section 232.271, Florida Statutes, are amended to read:

232.271 Removal by teacher.—

(2) A teacher may remove from class a student:

~~(a) Who has been documented by the teacher to repeatedly interfere with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn; or~~

~~(b) whose behavior the teacher determines is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn.~~

(3) If a teacher removes a student from class under subsection (2), the principal may place the student in another appropriate classroom; ~~in in-school suspension~~; or in a dropout prevention and academic intervention program as provided by s. 230.2316; or the principal may recommend the student for ~~out-of-school~~ suspension or expulsion, as appropriate. The student may be prohibited from attending or participating in school-sponsored or school-related activities. The principal may not return the student to that teacher's class without the teacher's consent unless the committee established under s. 232.272 determines that such placement is the best or only available alternative. The teacher and the placement review committee must render decisions within 5 days of the removal of the student from the classroom.

~~(5) The department shall conduct a study on the number of students who are expelled from classrooms, placement alternatives for students who are expelled, and the number of decisions by teachers that are overridden by the placement review committee. A preliminary report to the Legislature shall be submitted no later than March 1, 1997. A final report shall be submitted to the Legislature by September 1, 1997.~~

Section 16. Section 232.275, Florida Statutes, is amended to read:

232.275 Liability of teacher or principal.—Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff, a principal or the principal's designated representative, or a bus driver shall not be civilly or criminally liable for any action carried out in conformity with the state board and district school board rules regarding the control, discipline, suspension, and expulsion of students, *including any exercise of authority under s. 232.26, s. 232.27, or s. 232.271.*

Section 17. Section 235.192, Florida Statutes, is created to read:

235.192 *Coordination of school safety information; construction design documents.*—

(1) *Beginning October 1, 2000, each district superintendent of schools must provide to the law enforcement agency and fire department that has jurisdiction over each educational facility a copy of the floorplans and other relevant documents for each educational facility in the district, as defined in s. 235.011(6). After the initial submission of the floorplans and other relevant documents, the district superintendent of schools shall submit, by October 1 of each year, revised floorplans and other relevant documents for each educational facility in the district that was modified during the preceding year.*

(2) *Beginning October 1, 2000, each community college president must provide to the law enforcement agency and fire department that has jurisdiction over the community college a copy of the floorplans and other relevant documents for each educational facility as defined in s.*

235.011(6). After the initial submission of the floorplans and other relevant documents, the community college president shall submit, by October 1 of each year, revised floorplans and other relevant documents for each educational facility that was modified during the preceding year.

Section 18. Section 235.2157, Florida Statutes, is created to read:

235.2157 *Small school requirement.*—

(1) *LEGISLATIVE FINDINGS.—The Legislature finds that:*

(a) *Florida's schools are among the largest in the nation.*

(b) *Smaller schools provide benefits of reduced discipline problems and crime, reduced truancy and gang participation, reduced dropout rates, improved teacher and student attitudes, improved student self-perception, student academic achievement equal to or superior to that of students at larger schools, and increased parental involvement.*

(c) *Smaller schools can provide these benefits while not increasing administrative and construction costs.*

(2) *DEFINITION.—As used in this section, "small school" means:*

(a) *An elementary school with a student population of not more than 500 students.*

(b) *A middle school with a student population of not more than 700 students.*

(c) *A high school with a student population of not more than 900 students.*

(d) *A school serving kindergarten through grade 8 with a student population of not more than 700 students.*

(e) *A school serving kindergarten through grade 12 with a student population of not more than 900 students.*

A school on a single campus which operates as a school-within-a-school, as defined by s. 230.23(20), shall be considered a small school if each smaller unit located on the single campus meets the requirements of this subsection.

(3) *REQUIREMENTS.—*

(a) *Beginning July 1, 2003, all plans for new educational facilities to be constructed within a school district and reflected in the 5-year school district facilities work plan shall be plans for small schools in order to promote increased learning and more effective use of school facilities.*

(b) *Small schools shall comply with all laws, rules, and court orders relating to racial balance.*

(4) *EXCEPTIONS.—This section does not apply to plans for new educational facilities already under architectural contract on July 1, 2003.*

Section 19. Subsections (29) and (57) of section 984.03, Florida Statutes, are amended to read:

984.03 Definitions.—When used in this chapter, the term:

(29) "Habitually truant" means that:

(a) The child has 15 unexcused absences within 90 calendar days with or without the knowledge or justifiable consent of the child's parent or legal guardian, is subject to compulsory school attendance under s. 232.01, and is not exempt under s. 232.06, s. 232.09, or any other exemptions specified by law or the rules of the State Board of Education.

(b) Activities to determine the cause, and to attempt the remediation, of the child's truant behavior under ss. 232.17 and 232.19(3), have been completed.

If a child who is subject to compulsory school attendance is responsive to the interventions described in ss. 232.17 and 232.19(3) and has completed the necessary requirements to pass the current grade as

indicated in the district pupil progression plan, the child shall not be determined to be habitually truant and shall be passed. If a child within the compulsory school attendance age has 15 unexcused absences within 90 calendar days or fails to enroll in school, the State Attorney may, or the appropriate jurisdictional agency shall, file a child-in-need-of-services petition if recommended by the case staffing committee, unless it is determined that another alternative action is preferable.

~~(c) A school representative, designated according to school board policy, and a juvenile probation officer of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions that may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.~~

(d) The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in ss. 232.17 and s. 232.19(3) and (4) shall be handled as prescribed in s. 232.19.

(57) "Truancy petition" means a petition filed by the school superintendent of schools alleging that a student subject to compulsory school attendance has had *at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, or has had more than 15 unexcused absences in a 90-calendar-day period.* A truancy petition is filed and processed under s. 984.151.

Section 20. Paragraph (b) of subsection (1) of section 984.13, Florida Statutes, is amended to read:

984.13 Taking into custody a child alleged to be from a family in need of services or to be a child in need of services.—

(1) A child may be taken into custody:

(b) By a law enforcement officer when the officer has reasonable grounds to believe that the child is absent from school without authorization *or is suspended or expelled and is not in the presence of his or her parent or legal guardian,* for the purpose of delivering the child without unreasonable delay to the *appropriate* school system *site*. For the purpose of this paragraph, "school system *site*" includes, but is not limited to, a center approved by the superintendent of schools for the purpose of counseling students and referring them back to the school system *or an approved alternative to a suspension or expulsion program.* *If a student is suspended or expelled from school without assignment to an alternative school placement, the law enforcement officer shall deliver the child to the parent or legal guardian or to a designated truancy interdiction site until the parent or guardian can be located.*

Section 21. Subsections (1) and (3) of section 984.151, Florida Statutes, are amended, and a new subsection (9) is added to said section, to read:

984.151 Truancy petition; prosecution; disposition.—

(1) If the school determines that a student subject to compulsory school attendance has had *at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period pursuant to s. 232.17(1)(b), or has had more than 15 unexcused absences in a 90-calendar-day period,* the superintendent of schools may file a truancy petition.

(3) Original jurisdiction to hear a truancy petition shall be in the circuit court; however, the circuit court may use a general or special

master pursuant to Supreme Court rules. *Upon the filing of the petition, the clerk shall issue a summons to the parent, guardian, or legal custodian of the student, directing that person and the student to appear for a hearing at a time and place specified.*

(9) *The parent, guardian, or legal custodian and the student shall participate, as required by court order, in any sanctions or services required by the court under this section, and the court shall enforce such participation through its contempt power.*

Section 22. Section 414.125, Florida Statutes, is amended to read:

414.125 Learnfare program.—

(1) The department shall reduce the temporary cash assistance for a participant's eligible dependent child or for an eligible teenage participant who has not been exempted from education participation requirements *and who has been identified as a habitual truant, pursuant to s. 228.041(28) during a grading period in which the child or teenage participant has accumulated a number of unexcused absences from school that is sufficient to jeopardize the student's academic progress, in accordance with rules adopted by the department with input from the Department of Education.* The temporary cash assistance must be reinstituted after a subsequent grading period in which the child has substantially improved the child's attendance. Good cause exemptions from the rule of unexcused absences include the following:

(a) The student is expelled from school and alternative schooling is not available.

(b) No licensed day care is available for a child of teen parents subject to Learnfare.

(c) Prohibitive transportation problems exist (e.g., to and from day care).

(d) The teen is over 16 years of age and not expected to graduate from high school by age 20.

Within 10 days after sanction notification, the participant parent of a dependent child or the teenage participant may file an internal fair hearings process review procedure appeal, and no sanction shall be imposed until the appeal is resolved.

(2) Each participant with a school-age child is required to have a conference with an appropriate school official of the child's school during each ~~semester~~ *grading period* to assure that the participant is involved in the child's educational progress and is aware of any existing attendance or academic problems. The conference must address acceptable student attendance, grades, and behavior and must be documented by the school and reported to the department. The department shall notify a school of any student in attendance at that school who is a participant in the Learnfare program in order that the required conferences are held. A participant who without good cause fails to attend a conference with a school official is subject to the sanction provided in subsection (1).

Section 23. This act shall take effect July 1, 2000.

And the title is amended as follows:

Remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to school safety and student discipline; amending s. 228.041, F.S.; revising the definition of suspension; amending s. 229.57, F.S.; revising data used to determine a school's performance grade category; amending s. 230.23, F.S.; clarifying suspension options for control of pupils; revising information required to be included in the student code of conduct; combining and clarifying provisions relating to student possession of a weapon; requiring the district code of student conduct to include certain notice relating to expulsion for making a threat or false report; defining the term "school-within-a-school"; requiring district school boards to address the availability of specified student support services professionals; amending and redesignating s. 235.14, F.S.; specifying types of drills and emergencies for which district school boards are

required to develop procedures; requiring district school boards to establish model emergency management and emergency preparedness procedures; creating s. 230.23003, F.S.; providing requirements relating to school safety incident data collection and reporting; requiring each school principal to ensure that standardized forms are used to report school safety and discipline data; requiring the Department of Education to develop a form; amending s. 230.23015, F.S., relating to disciplinary action for violation of s. 784.081; providing a cross reference; amending s. 230.23025, F.S.; requiring best financial management practices to address school safety and security; creating s. 230.23145, F.S.; establishing a pilot program to provide clerical assistance to guidance counselors; providing eligibility requirements for district participation; providing for the selection of districts to participate; amending s. 230.2316, F.S.; clarifying criteria for student eligibility for services; amending s. 230.235, F.S.; specifying offenses for which a student will be expelled for 1 year, and referred for criminal prosecution, under district school board zero tolerance for crime policies; authorizing assignment to certain alternative programs; providing a cross reference relating to students with disabilities; amending s. 232.17, F.S.; requiring principals to notify certain persons that specified students are exhibiting a pattern of nonattendance; clarifying authorization for intervention through a truancy petition; providing an appeals process; providing for procedures of portfolio review by a home education review committee of a parent whose child has been identified as exhibiting a pattern of nonattendance who enrolls in a home education program; providing penalties for noncompliance; amending s. 232.25, F.S., relating to control of pupils; providing a cross reference; creating s. 232.251, F.S.; codifying federal requirements for disciplinary actions against students with disabilities; amending s. 232.26, F.S.; clarifying requirements for suspension proceedings against a student who is formally charged with a felony; specifying that expulsion of a student with a disability must be made pursuant to law and state board rule; amending s. 232.27, F.S.; authorizing teachers or other instructional personnel to have disobedient and disrespectful students temporarily removed from the classroom and to have certain students directed for information or assistance from appropriate personnel; amending s. 232.271, F.S.; revising the behavior considered to be cause for teacher removal of students; revising placement of students who are removed; removing obsolete language relating to a study and a report; amending s. 232.275, F.S.; prohibiting certain school personnel from being held civilly or criminally liable for the exercise of authority provided by certain provisions of law; creating s. 235.192, F.S., relating to the coordination of school safety information; requiring the provision of copies of educational facility floorplans and other relevant documents to specific agencies; creating s. 235.2157, F.S.; providing legislative findings; defining the term "small school"; requiring the construction of only small schools after a certain date; requiring small schools to comply with racial balance requirements; providing an exception; amending s. 984.03, F.S.; revising the definition of "truancy petition"; amending s. 984.13, F.S.; enabling a law enforcement officer to take into custody a child who is suspended or expelled and who is not in the presence of his or her parent or legal guardian; revising the definition of "school system"; amending s. 984.151, F.S.; revising requirements for filing a truancy petition; requiring the issuance of a summons; providing for use of contempt powers; amending s. 414.125, F.S.; revising criteria for reduction of temporary cash assistance; providing an effective date.

Rep. Lynn moved the adoption of the amendment, which was adopted.

Representative(s) Ritchie offered the following:

(Amendment Bar Code: 680571)

Amendment 2 (with title amendment)—On page 3, line 9, of the bill

insert:

Section 1. Section 228.0865, Florida Statutes, is created to read:

228.0865 An education bill of rights for Florida's students, parents, and teachers.—The Legislature intends that:

(1) *Teachers and students have the right to a safe, secure learning environment.*

(2) *Teachers have the right to teach and students have the right to learn in a classroom that is not overcrowded.*

(3) *Students have the right to an up-to-date textbook.*

(4) *Teachers and school personnel have the right to confiscate any item they believe can be used as a weapon in a school.*

(5) *Teachers and students have the right to a clean and drug-free learning environment.*

(6) *Teachers have the right to be paid wages at least comparable to the national average.*

(7) *Teachers have the right to remove any student that is disrupting the classroom.*

(8) *Students have the right to have access to an up-to-date computer to aid in their studies.*

(9) *Teachers and students have the right to schools and classrooms free of discrimination of any kind.*

(10) *Parents have the right to be actively involved in their child's education including attending parent/teacher conferences and participating as a member of a school advisory council.*

And the title is amended as follows:

On page 1, line 2, after the semicolon,

insert: creating s. 228.0865, F.S.; providing an education bill of rights;

Rep. Ritchie moved the adoption of the amendment.

Point of Order

Rep. Lynn raised a point of order, under Rule 145, that the amendment was not germane.

The Chair referred the point to the Chair of the Committee on Rules & Calendar. Pending a ruling, further consideration of the bill, with pending amendment, was temporarily postponed.

HB 1211—A bill to be entitled An act relating to the Miami-Dade County Lake Belt Plan; amending s. 373.4149, F.S.; clarifying the boundaries of the plan area; repealing s. 373.4149(5), F.S.; relating to requirements on the sale or lease of certain property or the issuance of a development order in the plan area; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs offered the following:

(Amendment Bar Code: 321985)

Amendment 1—On page 2, line 6, of the bill

after the period insert: *Any rights a person may have acquired pursuant to subsection (5) of s. 373.4149, shall be extinguished six months from the effective date of this act, unless prior to six months from such effective date, that person has filed an action in a court of competent jurisdiction to enforce such alleged rights and has recorded a notice of lis pendens.*

Rep. Villalobos moved the adoption of the amendment.

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 112335)

Substitute Amendment 1 (with title amendment)—On page 2, line 6, of the bill

insert after the period:

Any rights a person may have acquired pursuant to subsection (5) of s. 373.4149, shall be extinguished six months after the effective date of this act; unless, prior to such date, that person has filed an action in a court of competent jurisdiction to enforce such alleged rights and has recorded a notice of lis pendens.

Section 3. *In the next addition of the official Florida Statutes, the Division of Statutory Revision is directed to replace the phrase "six months after the effective date of this act", which appears in Section 2 of this bill, with the date which is six months after the date this bill becomes a law.*

And the title is amended as follows:

On page 1, line 8, of the bill

insert after the semicolon: extinguishing any rights that may have been acquired pursuant to the repealed language, if certain conditions are not met; providing a directive to the Division of Statutory Revision;

Rep. Goodlette moved the adoption of the substitute amendment, which was adopted.

The Committee on Community Affairs offered the following:

(Amendment Bar Code: 325677)

Amendment 2—On page 2, line 7
remove from the bill: July 1, 2000

and insert in lieu thereof: upon becoming a law

Rep. Villalobos moved the adoption of the amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 2217—A bill to be entitled An act relating to public records; providing legislative findings of public necessity; creating s. 24.1075, F.S.; providing that fees charged for access to winning lottery numbers and payout information by a 1-900 telephone service are exempt from public records requirements; providing for future legislative review and repeal; providing for severability; providing retroactive applicability; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following:

(Amendment Bar Code: 023733)

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 24.1075, Florida Statutes, is created to read:

24.1075 Legislative findings; dissemination of information, fees charged.—

(1) Legislative findings.—

(a) The legislature finds that the department widely distributes the winning lottery numbers and payout information. This information is distributed to all lottery retailers who make that information available to customers and lottery players, free of charge. The media is also given this information which is regularly published in numerous newspapers of general circulation. The department also disseminates winning-number information nightly on television and immediately posts this information on the department's Internet website; access to the website is free. Additionally, in conformance with the constitutional and statutory requirements regarding access to public records, any person, upon request, may inspect the public records that contain winning lottery numbers and payout information, at department offices; and, upon request, the department provides copies of those records, at a fee as prescribed by s. 119.07(1). Furthermore, the department provides copies of such records, by mail, at a fee in conformance with s. 119.07(1).

(b) The legislature has previously stated and further reiterates that it intends the department to operate as much as possible in the manner of an entrepreneurial business enterprise, and to operate in a self-supporting, revenue-producing manner, with the ultimate goal of increasing educational funding. To that end, in 1995 the legislature required the department to provide a 1-900 telephone number service, for

dissemination of winning lottery numbers and payout information, in lieu of the department's costly 1-800 telephone number service. The department has, however, from its inception, had the authority to establish any type telephone number service for the convenience of the public, as the department considered appropriate and pursuant to the department's powers and duties as set forth in s. 24.105. More specifically, s. 24.105 authorizes the establishment and operation of the state lottery in a manner necessary or desirable for the efficient or economical operation of the lottery or for the convenience of the public and to enter into contracts for goods and services necessary for such purposes. The legislature finds that, under these circumstances, information provided through audio-telephonic communications alone does not constitute remote electronic access for the purpose of "inspecting, examining, and copying public records" as envisioned by the legislature pursuant to s. 119.085. The legislature further finds and declares that information disseminated through audio-telephonic communications, whether provided by the department or by a private entity pursuant to contract, is not a public record as that term is defined in chapter 119, and that utilizing a dedicated telephone number service for audio-telephonic transmission of information does not constitute a public records request.

(2) Dissemination of information, fees charged.— The department is hereby authorized to continue to allow winning lottery numbers and payout information to be provided to private contractors to be disseminated in whatever medias agreed to by the department and the contractor, and to otherwise disseminate in print and through other media such information; and, the department is further authorized to continue to charge a price or fee in excess of cost for that information sufficient to generate money for education. The department is more specifically authorized to continue to provide the 1-900 telephone number service and shall continue to transfer the revenue generated thereby to the Educational Enhancement Trust Fund, on a monthly basis. The department, has always been and is currently still authorized to operate the service internally or contract for the service. The department may discontinue this consumer service at any time the department deems appropriate in light of its purpose, powers, and duties as set forth in chapter 24.

Section 2. This act shall take effect upon becoming law and shall apply to all authorized 1-900 services of the Department of Lottery since October 1, 1995.

And the title is amended as follows:

On page 1, lines 2 through 10,
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to dissemination of winning lottery numbers and payout information; creating s. 24.1075, F.S.; providing legislative findings; addressing various public records issues; reiterating and explaining certain Department of Lottery powers; reiterating and reauthorizing the provision of a 1-900 telephone number service and fees charged for that service; providing retroactive applicability; providing

Rep. Jones moved the adoption of the amendment, which failed of adoption.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 207—A bill to be entitled An act relating to individual development accounts; providing purposes; providing definitions; requiring the Department of Children and Family Services to amend the Temporary Assistance for Needy Families State Plan to provide for use of funds for individual development accounts; specifying criteria and requirements for contributions to such accounts; specifying purposes for use of such accounts; providing for procedures for withdrawals from such accounts; specifying certain organizations to act as fiduciary organizations for certain purposes; providing for penalties for withdrawal of moneys for certain purposes; providing for resolution of certain disputes; providing for transfer of ownership of such accounts under certain circumstances; providing for establishment of such accounts by certain financial institutions under certain circumstances; providing requirements; providing that account funds and matching

funds do not affect certain program eligibility; providing an effective date.

—was read the second time by title.

The Committee on Financial Services offered the following:

(Amendment Bar Code: 591709)

Amendment 1 (with title amendment)—On page 6, line 4, remove from the bill: all of said line

and insert in lieu thereof: *by rule establish procedures to*

And the title is amended as follows:

On page 1, line 12, after the word “accounts;”,

insert: providing rulemaking authority;

Rep. Crow moved the adoption of the amendment, which failed of adoption.

The Committee on Financial Services offered the following:

(Amendment Bar Code: 401831)

Amendment 2 (with title amendment)—On page 6, lines 16 through page 7, line 2,

remove from the bill: all of said lines,

and insert in lieu thereof:

(8) The WAGES Program State Board of Directors shall by rule establish penalties and procedures for enforcing compliance with such penalties for the withdrawal of moneys from individual development accounts under false pretenses or for the use of such moneys for other than approved purposes. The WAGES Program State Board of Directors may, at its discretion, specify by rule conditions under which an account shall be closed.

(9) The fiduciary organization shall establish a grievance committee. The grievance committee shall conduct a proceeding under ss. 120.569 and 120.57 on any grievance made by a holder of an individual development account who disputes a decision of the operating organization that a withdrawal is subject to penalty. The decision of the grievance committee must be made in writing.

And the title is amended as follows:

On page 1, line 12, after the word “accounts;”,

insert: providing rulemaking authority

Rep. Crow moved the adoption of the amendment, which failed of adoption.

Representative(s) Greenstein offered the following:

(Amendment Bar Code: 423787)

Amendment 3—On page 2, lines 22-26, remove from the bill: all of said lines,

and insert in lieu thereof: *(c) “Financial institution” means a financial institution as defined in s. 655.005.*

Rep. Greenstein moved the adoption of the amendment, which was adopted.

Representative(s) Greenstein offered the following:

(Amendment Bar Code: 630415)

Amendment 4—On page 5, line 5, after the period,

insert: *This account agreement shall include, but not be limited to, the matching funds to be contributed to the account, limits on the deposits for which the match will be provided, required documentation necessary for payment of moneys in the account to be made for a qualified purpose, and*

penalties for withdrawal of funds not used for one or more of the qualified purposes.

Rep. Greenstein moved the adoption of the amendment, which was adopted.

Representative(s) Greenstein offered the following:

(Amendment Bar Code: 535521)

Amendment 5—On page 5, lines 19 & 20, remove all of said lines,

and insert in lieu thereof: *for any of the following qualified purposes once the family no longer receives cash assistance:*

Rep. Greenstein moved the adoption of the amendment, which was adopted.

Representative(s) Greenstein offered the following:

(Amendment Bar Code: 260901)

Amendment 6 (with title amendment)—On page 6, lines 3-7, remove from the bill: all of said lines,

and insert in lieu thereof:

(6) The WAGES Program State Board of Directors shall establish procedures for local WAGES coalitions to include in their annual program and financial plan for the WAGES program an application to offer an individual development account program as part of their WAGES program allocation. These procedures shall include, but not be limited to, administrative costs permitted for the fiduciary organization and policies relating to identifying the match ratio and limits on the deposits for which the match will be provided in the application process. The WAGES Program State Board of Directors also shall establish procedures to ensure that funds held in an individual development account are not withdrawn except for one or more of the qualified purposes described in this section.

And the title is amended as follows:

On page 1, line 11, after the semicolon,

insert: directing the WAGES Program State Board to establish procedures for local WAGES coalitions to apply to offer individual development accounts;

Rep. Greenstein moved the adoption of the amendment, which was adopted.

Representative(s) Greenstein offered the following:

(Amendment Bar Code: 145711)

Amendment 7—On page 6, lines 16-26, remove from the bill all of said lines,

and insert in lieu thereof:

(8) The WAGES Program State Board of Directors shall establish penalties and procedures for enforcing compliance with such penalties for the withdrawal of moneys from individual development accounts under false pretenses or for the use of such moneys for other than approved purposes. The penalties established shall include, but not be limited to, the repayment of moneys withdrawn that were not used for one or more of the qualified purposes. The WAGES Program State Board of Directors may, at its discretion, specify conditions under which an account shall be closed.

Rep. Greenstein moved the adoption of the amendment, which was adopted.

Representative(s) Greenstein offered the following:

(Amendment Bar Code: 964917)

Amendment 8 (with title amendment)—On page 8, between lines 12 & 13,

insert:

(13) All procedures identified in this section to be established by the WAGES Program State Board of Directors shall be developed in a manner that allows for local WAGES coalition comment and review and shall be included in the annual statewide program plan, pursuant to s. 414.027.

And the title is amended as follows:

On page 1, line 24, after the semicolon,

insert: providing for local WAGES coalition comment concerning the procedures developed by the WAGES State Board and for inclusion of the procedures in the annual plan;

Rep. Greenstein moved the adoption of the amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 1599—A bill to be entitled An act relating to Rodman Reservoir Recreation Area; creating s. 258.16, F.S.; designating and establishing a state recreation area; providing duties of the Division of Recreation and Parks of the Department of Environmental Protection; providing for closure of certain structures; providing for approval by the Legislature of actions which would substantially alter the recreation area; authorizing the Division of State Lands of the department to acquire contiguous property; requiring the Division of State Lands to notify certain easement holders of the state recreation area designation; requiring a report to the Governor and Legislature; providing an effective date.

—was read the second time by title.

Rep. Chestnut moved that, under Rule 142(h), a late-filed amendment be allowed for consideration, which was not agreed to. The vote was:

Session Vote Sequence: 254

Yeas—36

Betancourt	Edwards	Hill	Ritter
Bloom	Effman	Jacobs	Ryan
Boyd	Frankel	Kosmas	Smith, C.
Brown	Goodlette	Lee	Sobel
Bullard	Greene, A.	Levine	Stafford
Bush	Greenstein	Miller, L.	Suarez
Casey	Hafner	Rayson	Turnbull
Chestnut	Henriquez	Reddick	Wasserman Schultz
Cosgrove	Heyman	Ritchie	Wilson

Nays—68

The Chair	Cantens	Kilmer	Rojas
Albright	Crady	Kyle	Rubio
Alexander	Detert	Lacasa	Sanderson
Andrews	Dockery	Littlefield	Sembler
Argenio	Farkas	Lynn	Smith, K.
Argenziano	Fasano	Maygarden	Sorensen
Arnall	Feeney	Melvin	Spratt
Bainter	Fiorentino	Merchant	Stansel
Ball	Flanagan	Miller, J.	Starks
Barreiro	Fuller	Murman	Sublette
Bense	Futch	Ogles	Trovillion
Bilirakis	Garcia	Patterson	Tullis
Bitner	Green, C.	Peaden	Villalobos
Bradley	Harrington	Posey	Wallace
Bronson	Johnson	Prieguez	Waters
Brummer	Jones	Pruitt	Wiles
Byrd	Kelly	Putnam	Wise

Votes after roll call:

Nays—Goode, Russell

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 2289—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for certain records relating to personnel of the Department of Children and Family Services who provide services to abused, neglected, abandoned, or exploited children, disabled adults, and elderly persons and their families; providing for future repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

Further consideration of **HB 2289** was temporarily postponed under Rule 141.

Rep. Arnall moved to revert to—

Point of Order

Rep. Arnall, Chair of the Committee on Rules & Calendar, in speaking to the point of order on Amendment 2 to CS for CS for CS for SB's 852, 2 & 46, stated that under Rule 145, the amendment was not germane because it required an amendment to the relating-to clause and unduly expanded the scope of the bill.

The Chair [Speaker Thrasher], upon the recommendation of Rep. Arnall, Chair of the Committee on Rules & Calendar, ruled the point well taken and the amendment out of order.

Under Rule 121(b), CS for CS for CS for SB's 852, 2 & 46 was referred to the Engrossing Clerk.

REPRESENTATIVE CRADY IN THE CHAIR

HB 2289—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for certain records relating to personnel of the Department of Children and Family Services who provide services to abused, neglected, abandoned, or exploited children, disabled adults, and elderly persons and their families; providing for future repeal; providing a finding of public necessity; providing an effective date.

—was taken up, having been read the second time earlier today.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 701—A bill to be entitled An act relating to public school funding; creating the Citizens Commission on Funding K-12 Education; providing legislative intent; providing composition, organization, and duties of the commission; assigning the commission to the Office of Legislative Services for fiscal and administrative purposes; authorizing reimbursement to members for per diem and travel expenses incurred in the performance of commission duties; providing for appointment of a director and employment of staff; authorizing entering into contracts or agreements for required expertise; authorizing application for and acceptance of funds and services from public and private sources; requiring submission of draft and final recommendations to improve the system of funding K-12 education to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education, and providing for termination of the commission upon submission of the final recommendations; providing for public hearings around the state prior to submission of the final recommendations; providing an appropriation; providing an effective date.

—was read the second time by title.

Representative(s) C. Green offered the following:

(Amendment Bar Code: 601401)

Amendment 1—On page 5, between lines 14 and 15, of the bill

insert:

18. The Florida Price Level Index, including the factors that are used to compute the index, the weights given to those factors, and comparisons of how the index would change if the study was conducted at different times of the year.

Rep. C. Green moved the adoption of the amendment. Subsequently, **Amendment 1** was withdrawn.

Representative(s) Greenstein and L. Miller offered the following:

(Amendment Bar Code: 974433)

Amendment 2—On page 3, lines 20-21, remove from the bill: all of said lines

and insert in lieu thereof: *Senate shall appoint three members, the minority party leader of the Senate shall appoint one member, the Speaker of the House of Representatives shall appoint three members, and the minority party leader of the House of Representatives shall appoint one member. Members*

Rep. Greenstein moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 255

Yeas—36

Betancourt	Effman	Kosmas	Smith, C.
Bloom	Frankel	Lee	Sobel
Boyd	Greene, A.	Levine	Stafford
Brown	Greenstein	Miller, L.	Stansel
Bullard	Hafner	Rayson	Suarez
Bush	Henriquez	Reddick	Turnbull
Chestnut	Heyman	Ritchie	Wasserman Schultz
Cosgrove	Hill	Ritter	Wiles
Edwards	Jacobs	Ryan	Wilson

Nays—77

The Chair	Crist	Kilmer	Rojas
Albright	Crow	Kyle	Rubio
Alexander	Detert	Lacasa	Russell
Andrews	Dockery	Littlefield	Sanderson
Argenio	Farkas	Logan	Sembler
Argenziano	Fasano	Lynn	Smith, K.
Arnall	Feeney	Maygarden	Sorensen
Bainter	Fiorentino	Melvin	Spratt
Ball	Flanagan	Merchant	Starks
Barreiro	Fuller	Miller, J.	Sublette
Bense	Futch	Minton	Thrasher
Bilirakis	Garcia	Morrone	Trovillion
Bitner	Gay	Murman	Tullis
Bradley	Goode	Ogles	Villalobos
Bronson	Goodlette	Patterson	Wallace
Brummer	Green, C.	Peaden	Waters
Byrd	Harrington	Posey	Wise
Cantens	Johnson	Prieguez	
Casey	Jones	Pruitt	
Constantine	Kelly	Putnam	

On motion by Rep. Wise, under Rule 142(h), the following late-filed amendment was considered.

Representative(s) Wise offered the following:

(Amendment Bar Code: 852125)

Amendment 3 (with title amendment)—On page 6, between lines 20 and 21, of the bill

insert:

Section 3. Section 236.025, Florida Statutes, is amended to read:

236.025 Revised funding model for exceptional student education programs.—

(1) The revised funding model for exceptional student education programs is designed to: be better for students than the existing funding system by encouraging school districts and schools to identify and implement educationally effective instructional delivery models;

simplify funding by utilizing *two* ~~five~~ weighted cost factors *and a guaranteed allocation*; provide fiscal support for exceptional students in general education classes; be outcome driven; ~~and~~ be revenue neutral; *and reduce the paperwork burden associated with state funding*. This funding model is designed to support both traditional and new service delivery models along the continuum of services required for exceptional students. It is the intent of the Legislature, through the General Appropriations Act, to minimize the fiscal impact on school districts of the implementation of this funding model.

(2)(a) The revised funding model uses *existing basic, at-risk, and vocational* ~~five~~ Florida Education Finance Program cost factors, *two exceptional education cost factors, and a guaranteed allocation* for exceptional student education programs. *Exceptional education cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the services described in each exceptional student's individual education plan.*

(b) *In order to generate funds using one of the two weighted cost factors, a matrix of services must be completed at the time of the student's initial placement into an exceptional student education program and at least once every 3 years* ~~least once each year~~ by ~~public school personnel who have received approved training. Additionally, each time an exceptional student's individual education plan, family support plan, or education plan is reviewed, the matrix of services must also be reviewed.~~ Nothing listed in the matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

(c) *Students identified as exceptional, in accordance with chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in paragraph (b) shall generate funds on the basis of full-time-equivalent student membership in the Florida Education Finance Program at the same funding level per student as provided for basic students. Additional funds for these exceptional students will be provided through the guaranteed allocation designated in subsection (3).*

(3) *For students identified as exceptional who do not have a matrix of services, there is created a guaranteed allocation to provide these students with a free appropriate public education, in accordance with s. 230.23(4)(m) and rules of the state board, which shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of full-time-equivalent student membership in the Florida Education Finance Program, and the amount allocated for each school district shall not be recalculated during the year. These funds shall be used to provide special education and related services for exceptional students.*

(4)(3) The Department of Education shall revise its monitoring systems for exceptional student education programs to include a review of delivery of services as indicated on the matrix of services.

(5)(4) The Department of Education shall ~~adopt promulgate~~ rules necessary to implement the revised funding model.

(5) ~~The funding level in the 1997-1998 FEFP for exceptional student education shall be guaranteed for 3 years so that no district will have a financial uncertainty during the initial implementation of the revised funding model.~~

Section 4. Paragraphs (c) and (d) of subsection (1) of section 236.081, Florida Statutes, are amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of *the two weighted cost factors for exceptional students with the highest levels of need. For these students, the funding support level shall fund the exceptional students' education program, with the exception of extended school year services for students with disabilities. funding support for each exceptional student. The funding support level for each exceptional student shall fund the exceptional student's total education program.*

1. Basic programs.—
 - a. Kindergarten and grades 1, 2, and 3.
 - b. Grades 4, 5, 6, 7, and 8.
 - c. Grades 9, 10, 11, and 12.
2. Programs for exceptional students.—
 - a. ~~Support Level I.~~
 - b. ~~Support Level II.~~
 - c. ~~Support Level III.~~
 - a.d. Support Level IV.
 - b.e. Support Level V.
3. Secondary career education programs.—
4. ~~Students at risk programs.—~~
 - a. ~~Dropout prevention and teenage parents.~~
 - 4.b. English for Speakers of Other Languages.—
- (d) Annual allocation calculation.—

1. The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district for the K-12 FEFP.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of two program groups. Group 1 shall be composed of grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education programs, *English for Speakers of Other Languages* ~~students at risk~~ programs, all basic programs other than the programs in group 1, and all vocational programs in grades 7-12.

a. The weighted enrollment ceiling for group 2 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program group 2 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Family Services and the Department of Juvenile Justice.

b. If, for any calculation of the FEFP, the weighted enrollment for program group 2, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

c. For program group 2, the weighted enrollment ceiling shall be a number not less than the sum obtained by:

(I) Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and

(II) By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.

4. Following completion of the weighted enrollment ceiling calculation as provided in subparagraph 3., a supplemental capping calculation shall be employed for those districts that are over their weighted enrollment ceiling. For each such district, the total reported unweighted FTE enrollment for group 2 programs shall be compared with the total appropriated unweighted FTE enrollment for group 2 programs. If the total reported unweighted FTE for group 2 is greater than the appropriated unweighted FTE, then the excess unweighted FTE up to the unweighted FTE transferred from group 2 to group 1 for each district by the Public School FTE Estimating Conference shall be funded at a weight of 1.0 and added to the funded weighted FTE computed in subparagraph 3. This adjustment shall be calculated beginning with the third calculation of the 1998-1999 FEFP.

Section 5. Paragraph (b) of subsection (2) and paragraph (a) of subsection (3) of section 237.34, Florida Statutes, are amended to read:

237.34 Cost accounting and reporting.—

(2) COST REPORTING.—

(b) Each district shall report on a school-by-school and on an aggregate district basis expenditures for each program funded in s. 236.081(1)(c), ~~except that programs for exceptional students shall be reported on an aggregate basis.~~

(3) PROGRAM EXPENDITURE REQUIREMENTS.—

(a) Each district shall expend at least the percent of the funds generated by each of the programs listed herein on the aggregate total school costs for such programs:

1. Kindergarten and grades 1, 2, and 3, 90 percent.
2. Grades 4, 5, 6, 7, and 8, 80 percent.
3. Grades 9, 10, 11, and 12, 80 percent.
4. Programs for exceptional students, on an aggregate program basis, ~~90~~ 80 percent.
5. Grades 7 through 12 vocational education programs, on an aggregate program basis, 80 percent.
6. Students-at-risk programs, on an aggregate program basis, 80 percent.

7. Juvenile justice programs, on an aggregate program basis, 80 percent.

8. Any new program established and funded under s. 236.081(1)(c), that is not included under subparagraphs 1. through 6., on an aggregate basis as appropriate, 80 percent.

And the title is amended as follows:

On page 1, line 26, after the second semicolon

insert: amending s. 236.025, F.S.; revising funding for exceptional student education programs; amending s. 236.081, F.S.; revising funding for exceptional student education programs; amending s. 237.34, F.S.; revising reporting requirements for exceptional student education programs;

Rep. Wise moved the adoption of the amendment, which was adopted.

Rep. Ritchie moved that, under Rule 142(h), a late-filed amendment be allowed for consideration, which was not agreed to. The vote was:

Session Vote Sequence: 256

Yeas—40

Barreiro	Effman	Jacobs	Ryan
Betancourt	Eggelletion	Kosmas	Smith, C.
Bloom	Frankel	Lee	Sobel
Boyd	Gottlieb	Levine	Stafford
Brown	Greene, A.	Logan	Stansel
Bullard	Greenstein	Miller, L.	Suarez
Bush	Hafner	Rayson	Turnbull
Chestnut	Henriquez	Reddick	Wasserman Schultz
Cosgrove	Heyman	Ritchie	Wiles
Edwards	Hill	Ritter	Wilson

Nays—69

The Chair	Crow	Kilmer	Roberts
Albright	Detert	Kyle	Rojas
Alexander	Dockery	Lacasa	Rubio
Andrews	Farkas	Littlefield	Russell
Argenio	Fasano	Lynn	Sanderson
Argenziano	Feeney	Maygarden	Sembler
Arnall	Fiorentino	Melvin	Smith, K.
Bainter	Flanagan	Miller, J.	Spratt
Ball	Fuller	Minton	Starks
Bense	Garcia	Morrone	Sublette
Bilirakis	Gay	Murman	Tullis
Bitner	Goode	Ogles	Villalobos
Bronson	Goodlette	Patterson	Wallace
Brummer	Green, C.	Peaden	Waters
Byrd	Harrington	Posey	Wise
Cantens	Hart	Prieguez	
Casey	Jones	Pruitt	
Constantine	Kelly	Putnam	

Votes after roll call:

Yeas—Crist

Nays—Johnson

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 1425—A bill to be entitled An act relating to solid waste; providing requirements for local governments providing solid waste collection services in competition with private companies; providing remedies for such private companies; providing procedures and requirements; providing for award of damages, costs, and attorney fees; providing application; providing limitations for local government solid waste collection services outside the jurisdiction of the local government; providing remedies for certain injured parties; providing requirements and procedures; prohibiting local governments from displacing private waste collection companies under certain circumstances; providing requirements; providing procedures and requirements for such displacement; providing definitions; amending s.

171.062, F.S.; providing for continuation of certain solid waste services in certain annexed areas; providing an exception; amending s. 165.061, F.S.; providing for certain merger plans to honor certain solid waste contracts; providing limitations; amending s. 403.087, F.S.; clarifying application of certain permit fees; amending s. 403.706, F.S.; authorizing counties and municipalities to grant certain solid waste fee waivers under certain circumstances; amending s. 403.722, F.S.; clarifying requirements for obtaining certain hazardous waste facility permits; providing an effective date.

—was read the second time by title.

Representative(s) Gay offered the following:

(Amendment Bar Code: 271209)

Amendment 1 (with title amendment)—On page 12, between lines 15 and 16 of the bill

insert:

Section 7. Section 171.093, Florida Statutes, is created to read:

171.093 Municipal annexation within independent special districts.—

(1) The purpose of this section is to provide an orderly transition of special district service responsibilities in an annexed area from an independent special district which levies ad valorem taxes to a municipality following the municipality's annexation of property located within the jurisdictional boundaries of an independent special district, if the municipality elects to assume such responsibilities.

(2) The municipality may make such an election by adopting a resolution evidencing the election and forwarding the resolution to the office of the special district and the property appraiser and tax collector of the county in which the annexed property is located. In addition, the municipality may incorporate its election into the annexation ordinance.

(3) Upon a municipality's election to assume the district's responsibilities, the municipality and the district may enter into an interlocal agreement addressing the orderly transfer of service responsibilities, real assets, equipment, and personnel to the municipality. The agreement shall address allocation of responsibility for special district services, avoidance of double taxation of property owners for such services in the area of overlapping jurisdiction, prevention of loss of any district revenues which may be detrimental to the continued operations of the independent district, avoidance of impairment of existing district contracts, disposition of property and equipment of the independent district and any assumption of indebtedness for it, the status and employee rights of any adversely affected employees of the independent district, and any other matter reasonably related to the transfer of responsibilities.

(4)(a) If the municipality and the district are unable to enter into an interlocal agreement pursuant to subsection (3), the municipality shall so advise the district and the property appraiser and tax collector of the county in which the annexed property is located and, effective October 1 of the calendar year immediately following the calendar year in which the municipality declares its intent to assume service responsibilities in the annexed area, the district shall remain the service provider in the annexed area for a period of 4 years. During the 4-year period, the municipality shall pay the district an amount equal to the ad valorem taxes or assessments that would have been collected had the property remained in the district.

(b) By the end of the 4-year period, or any extension mutually agreed upon by the district the municipality, the municipality and the district shall enter into an agreement that identifies the existing district property located in the municipality or primarily serving the municipality that will be assumed by the municipality, the fair market value of such property, and the manner of transfer of such property and any associated indebtedness. If the municipality and district are unable to agree to an equitable distribution of the district's property and indebtedness, the matter shall proceed to circuit court. In equitably distributing the district's property and associated indebtedness, the taxes and other

revenues paid the district by or on behalf of the residents of the annexed area shall be taken into consideration.

(c) During the 4-year period, or during any mutually agreed upon extension, district service and capital expenditures within the annexed area shall continue to be rationally related to the annexed area's service needs. Service and capital expenditures within the annexed area shall also continue to be rationally related to the percentage of district revenue received on behalf of the residents of the annexed area when compared to the district's total revenue. A capital expenditure greater than \$25,000 shall not be made by the district for use primarily within the annexed area without the express consent of the municipality.

(5) If the municipality elects not to assume the district's responsibilities, the district shall remain the service provider in the annexed area, the geographical boundaries of the district shall continue to include the annexed area, and the district may continue to levy ad valorem taxes and assessments on the real property located within the annexed area. If the municipality elects to assume the district's responsibilities in accordance with subsection (3), the district's boundaries shall contract to exclude the annexed area at the time and in the manner provided in the agreement.

(6) If the municipality elects to assume the district's responsibilities and the municipality and the district are unable to enter into an interlocal agreement, and the district continues to remain the service provider in the annexed area in accordance with subsection (4), the geographical boundaries of the district shall contract to exclude the annexed area on the effective date of the beginning of the 4-year period provided for in subsection (4). Nothing in this section precludes the contraction of the boundary of any independent special district by special act of the Legislature. The district shall not levy ad valorem taxes or assessments on the annexed property in the calendar year in which its boundaries contract and subsequent years, but it may continue to collect and use all ad valorem taxes and assessments levied in prior years. Nothing in this section prohibits the district from assessing user charges and impact fees within the annexed area while it remains the service provider.

(7) In addition to any other authority provided by law, a municipality is authorized to levy assessments on property located in an annexed area to offset all or a portion of the costs incurred by the municipality in assuming district responsibilities pursuant to this section. Such assessments may be collected pursuant to and in accordance with applicable law.

(8) This section does not apply to districts created pursuant to chapter 190 or chapter 373.

And the title is amended as follows:

On page 2, line 1

after the semicolon insert: creating s. 171.093, F.S.; providing for the assumption of an independent special district's service responsibilities in an area that is within the district's boundaries and that is annexed by a municipality; providing that the municipality may elect to assume such responsibilities; providing for an interlocal agreement regarding the transfer of such responsibilities; providing for the provision of services and payment therefor during a specified period if the municipality and district are unable to enter into an interlocal agreement; specifying effect of a municipality's election not to assume such responsibilities; providing for contraction of the district's boundaries if the municipality elects to assume such responsibilities; providing for levy of ad valorem taxes and assessments, user charges, and impact fees; providing exceptions;

Rep. Gay moved the adoption of the amendment, which was adopted.

Representative(s) Garcia offered the following:

(Amendment Bar Code: 300553)

Amendment 2—On page 7, line 13, remove from the bill: *or market*

Rep. Garcia moved the adoption of the amendment, which was adopted.

Representative(s) Garcia offered the following:

(Amendment Bar Code: 904671)

Amendment 3 (with title amendment)—On page 12, between lines 15 and 16,

insert:

Section 7. Sections 403.7165 and 403.7199, Florida Statutes, are repealed.

And the title is amended as follows:

On page 2, line 1, after the semicolon,

insert: repealing s. 403.7165, F.S., relating to the Applications Demonstration Center for Resource Recovery from Solid Organic Materials; repealing s. 403.7199, F.S., relating to the Florida Packaging Council;

Rep. Garcia moved the adoption of the amendment.

On motion by Rep. Garcia, under Rule 142(h), the following late-filed substitute amendment was considered.

Representative(s) Garcia offered the following:

(Amendment Bar Code: 933877)

Substitute Amendment 3 (with title amendment)—On page 12, between lines 15 and 16,

insert:

Section 7. Subsection (5) of section 403.7165 and section 403.7199, Florida Statutes, are repealed.

And the title is amended as follows:

On page 2, line 1, after the semicolon,

insert: repealing s. 403.7165(5), F.S., relating to the Applications Demonstration Center for Resource Recovery from Solid Organic Materials; repealing s. 403.7199, F.S., relating to the Florida Packaging Council;

Rep. Garcia moved the adoption of the substitute amendment, which was adopted.

On motion by Rep. Gay, under Rule 142(h), the following late-filed amendment was considered.

Representative(s) Gay offered the following:

(Amendment Bar Code: 135985)

Amendment 4—In the title, on page 1, line 2 after the word "to" remove from the bill: *solid waste*

and insert in lieu thereof: *governmental operations*

Rep. Gay moved the adoption of the amendment, which was adopted.

On motion by Rep. Garcia, under Rule 142(h), the following late-filed amendment was considered.

Representative(s) Garcia offered the following:

(Amendment Bar Code: 843057)

Amendment 5—On page 12, line 16 remove from the bill: *October 1, 2000.*

and insert in lieu thereof: *July 1, 2000.*

Rep. Garcia moved the adoption of the amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

Reconsideration

On motion by Rep. Arnall—

CS/HB 2217—A bill to be entitled An act relating to public records; providing legislative findings of public necessity; creating s. 24.1075, F.S.; providing that fees charged for access to winning lottery numbers and payout information by a 1-900 telephone service are exempt from public records requirements; providing for future legislative review and repeal; providing for severability; providing retroactive applicability; providing an effective date.

—was taken up, having been read the second time earlier today.

On motion by Rep. Jones, the House reconsidered the vote by which **Amendment 1** failed of adoption. The question recurred on the adoption of the amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 887—A bill to be entitled An act relating to the Florida Evidence Code; amending s. 90.404, F.S.; revising a provision of law governing character evidence to permit the admission of certain evidence of the defendant's commission of acts of child molestation under certain circumstances; providing a definition; providing an effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

CS/HB 983—A bill to be entitled An act relating to driving or boating under the influence of alcohol or controlled substances; amending s. 316.193, F.S.; reducing the number of convictions required for a felony DUI; amending conditions for conviction in cases of accident, serious bodily injury, or death; removing a cross reference; allowing a law enforcement officer to place a person in protective custody under certain circumstances; requiring a person placed in protective custody to pay reasonable costs of evaluation and treatment under certain circumstances; amending s. 316.1932, F.S.; requiring a law enforcement officer to inform a person that refusal to submit to certain tests is a misdemeanor; amending s. 316.1933, F.S.; requiring a person to submit to a blood test under certain circumstances; providing that the test need not be incidental to a lawful arrest; providing that a breath alcohol test may substitute for a blood alcohol test under certain circumstances; creating s. 316.1939, F.S.; providing a penalty for refusing to submit to a chemical test of breath, urine, or blood; providing application; amending s. 327.35, F.S.; reducing the number of convictions required for a felony BUI; amending conditions for conviction in cases of accident, serious bodily injury, or death; correcting cross references; allowing a law enforcement officer to place a person in protective custody under certain circumstances; requiring a person placed in protective custody to pay reasonable costs of evaluation and treatment under certain circumstances; amending s. 327.352, F.S.; requiring a law enforcement officer to inform a person that refusal to submit to certain tests is a misdemeanor; amending s. 327.353, F.S.; requiring a person to submit to a blood test under certain circumstances; providing that the test need not be incidental to a lawful arrest; providing that a breath alcohol test may substitute for a blood alcohol test under certain circumstances; creating s. 327.359, F.S.; providing a penalty for refusing to submit to a chemical test of breath, urine, or blood; providing application; creating s. 397.6755, F.S.; specifying grounds for which a court may determine that criteria exist for involuntary admission and treatment of certain persons; requiring payment for such evaluation and treatment from a certain fund; requiring persons placed in such involuntary custody to reimburse the provider of services under certain circumstances; amending s. 921.0022, F.S.; including certain BUI offenses within the offense severity ranking chart; amending s. 938.07, F.S.; providing for application of a fee to persons found guilty of boating under the influence; correcting a cross reference; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice Appropriations offered the following:

(Amendment Bar Code: 115831)

Amendment 1—On page 35, lines 1 through 5 remove from the bill: all of said lines

Rep. Byrd moved the adoption of the amendment, which was adopted.

Representative(s) Byrd offered the following:

(Amendment Bar Code: 065111)

Amendment 2—On page 15, lines 6-13, remove from the bill: all of said lines

and insert in lieu thereof:

(1) *Any person who has refused to submit to a chemical or physical test of his or her breath, blood, or urine, as described in s. 316.1932, and:*

(a) *Whom the arresting law enforcement officer had probable cause to believe was driving or in actual physical control of a motor vehicle in this state while under the influence of alcoholic beverages, chemical substances, or controlled substances;*

(b) *Who was placed under lawful arrest for a violation of s. 316.193, unless such test was requested pursuant to s. 316.1932(1)(c);*

(c) *Who was informed that if he or she refused to submit to such test his or her privilege to operate a motor vehicle would be suspended for a period of 1 year or, in the case of a second or subsequent refusal, for a period of 18 months, and that the refusal to submit to such test is a misdemeanor; and*

(d) *Who, after having been so informed, refused to submit to any such test when requested to do so by a law enforcement officer or correctional officer*

commits a misdemeanor of the first degree and is subject to punishment as provided in s. 775.082 or s. 775.083.

Rep. Byrd moved the adoption of the amendment, which was adopted.

Representative(s) Byrd offered the following:

(Amendment Bar Code: 874973)

Amendment 3—On page 25, line 28 through page 26, line 10 remove from the bill: all of said lines

and insert in lieu thereof: *Any person who has refused to submit to a chemical or physical test of his or her breath, blood, or urine, as described in s. 327.352, and:*

(1) *Whom the arresting law enforcement officer had probable cause to believe was operating or in actual physical control of a vessel in this state while under the influence of alcoholic beverages, chemical substances, or controlled substances;*

(2) *Who was placed under lawful arrest for a violation of s. 327.35, unless such test was requested pursuant to s. 327.352(1)(c);*

(3) *Who was informed that if he or she refused to submit to such test he or she is subject to a \$500 fine; and that the refusal to submit to such test is a misdemeanor; and*

(4) *Who, after having been so informed, refused to submit to any such test when requested to do so by a law enforcement officer or correctional officer*

commits a misdemeanor of the first degree and is subject to punishment as provided in s. 775.082 or s. 775.083.

Rep. Byrd moved the adoption of the amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/CS/HB 593—A bill to be entitled An act relating to vacation and timeshare plans; amending s. 719.103, F.S.; providing for governance of

a timeshare cooperative; defining the term "timeshare estate" for purposes of ch. 719, F.S., the Cooperative Act; amending s. 719.107, F.S.; providing for joint and several liability for payments of assessments and charges with respect to a timeshare unit; amending s. 719.114, F.S.; providing for assessing timeshare estates for purposes of ad valorem taxes and special assessments; amending s. 719.3026, F.S.; exempting certain contracts from provisions governing products and services; amending s. 719.401, F.S.; specifying the term of the leasehold for a timeshare cooperative; amending s. 719.503, F.S.; requiring that certain additional disclosures be made prior to the sale or transfer of a timeshare estate; amending s. 719.504, F.S.; requiring that the creation and sale of a timeshare estate with respect to a cooperative unit be disclosed in the prospectus or offering circular; amending s. 721.03, F.S.; revising language with respect to the scope of the Florida Vacation Plan and Timesharing Act; amending s. 721.05, F.S.; providing definitions; amending s. 721.06, F.S.; revising requirements with respect to contracts for the purchase of timeshare interests; amending s. 721.065, F.S.; providing for resale listings; providing legislative intent; providing for the deposit of certain advance fees in a trust account; providing requirements with respect to resale; providing penalties; amending s. 721.07, F.S.; revising language with respect to public offering statements; providing conditions for the delivery of a purchaser public offering statement which is not yet approved by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation; amending s. 721.075, F.S.; revising language with respect to incidental benefits; amending s. 721.08, F.S.; revising language with respect to escrow accounts; providing additional criteria with respect to compliance with certain conditions for the release of escrow funds; providing requirements with respect to unclaimed escrow funds; amending s. 721.09, F.S.; revising language with respect to reservation agreements; amending s. 721.10, F.S.; revising language with respect to cancellation; amending s. 721.11, F.S.; providing a filing fee with respect to advertising materials filed with the division; revising language with respect to advertising materials; providing additional criteria for advertising materials; amending s. 721.111, F.S.; revising language with respect to prize and gift promotional offers; amending s. 721.12, F.S., relating to recordkeeping by a seller; amending s. 721.13, F.S.; revising language with respect to management; providing additional powers of the board of administration of the owners' association; amending s. 721.14, F.S., relating to discharge of the managing entity; amending s. 721.15, F.S.; revising language with respect to assessments for common expenses; providing requirements with respect to insurance; amending s. 721.16, F.S.; revising language with respect to liens for overdue assessments and liens for labor performed on, or materials furnished to a timeshare unit; providing a lien for certain damages done by a guest; amending s. 721.165, F.S.; providing penalties for failure to obtain certain insurance; amending s. 721.17, F.S.; revising language with respect to transfer of interest; amending s. 721.18, F.S., relating to exchange programs; amending s. 721.19, F.S., relating to provisions requiring the purchase or lease of timeshare property by owners' associations or purchasers; amending s. 721.20, F.S.; revising language with respect to licensing requirements; amending s. 721.21, F.S., relating to purchasers' remedies; amending s. 721.24, F.S.; revising language with respect to firesafety; amending s. 721.26, F.S.; revising language with respect to regulation by the division; amending s. 721.27, F.S.; revising language with respect to the annual fee for each timeshare unit in the plan; creating s. 721.29, F.S.; providing for the protection of purchasers' rights when recording is not available in certain jurisdictions; amending s. 721.51, F.S.; revising language with respect to legislative purpose and scope concerning vacation clubs; amending s. 721.52, F.S.; revising the definition of the term "multisite timeshare plan"; amending s. 721.53, F.S.; providing an additional piece of information which the developer may provide to the division prior to offering an accommodation or facility as a part of a multisite timeshare plan; amending s. 721.55, F.S.; revising language with respect to the public offering statement for a multisite timeshare plan; amending s. 721.551, F.S., relating to the delivery of a multisite timeshare plan public offering statement; amending s. 721.552, F.S., relating to additions, substitutions, or deletions of component site accommodations or facilities; repealing s. 721.553, F.S., relating to the portrayal of proposed component sites; amending s. 721.56, F.S.; revising language with respect to the

management of multisite timeshare plans; amending s. 721.81, F.S.; revising legislative purpose with respect to the Timeshare Lien Foreclosure Act; amending s. 721.82, F.S.; revising the definition of the term "assessment lien"; amending s. 721.84, F.S., relating to the appointment of a resident agent; amending s. 721.85, F.S., relating to service to notice address or on registered agent; amending s. 721.86, F.S., including a cross reference; amending s. 718.103, F.S.; correcting a cross reference; providing severability; providing an effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

HB 2097—A bill to be entitled An act relating to the Florida State Boxing Commission; amending s. 548.002, F.S.; providing a definition; amending s. 548.003, F.S.; requiring one member of the Florida State Boxing Commission to be a licensed physician; providing additional duties and responsibilities of the commission; amending s. 548.008, F.S.; increasing the penalty for participating in or promoting a toughman or badman competition; providing for certification of violations; amending s. 548.017, F.S.; providing requirements for ringside physicians; amending s. 548.021, F.S.; providing a criminal penalty for attempting to obtain a license by means of fraudulent information; creating s. 548.024, F.S.; authorizing the commission to adopt rules which provide for background investigations of applicants for licensure; authorizing the commission to require submission of fingerprint cards; providing procedure for processing fingerprint cards; amending s. 548.028, F.S.; expanding provisions with respect to persons whom the commission shall not license; amending s. 548.041, F.S.; providing requirements and restrictions with respect to age, condition, and suspension of boxers; providing for revocation of license under specified circumstances; amending s. 548.043, F.S.; providing requirements and procedure for the weighing of participants in a boxing match; amending s. 548.046, F.S.; revising provisions with respect to physicians' attendance at boxing matches; requiring the provision of urine samples by participants under specified circumstances; providing for revocation of license for failure or refusal to provide a required urine sample; providing conditions with respect to forfeiture and redistribution of purse upon failure or refusal to provide a required urine sample; specifying authority of physicians at boxing matches; providing procedure in the event of injury of a referee; amending s. 548.049, F.S.; increasing the minimum coverage amount of required insurance for participants in boxing matches; requiring promoters to pay any deductible for such insurance policy; amending s. 548.05, F.S.; providing additional requirements with respect to contracts between promoters, foreign copromoters, and professionals; amending s. 548.057, F.S.; placing specified restrictions on judges of boxing matches; providing requirements with respect to number and location of judges; amending s. 548.074, F.S.; providing that the department shall have the power to administer oaths, take depositions, make inspections, serve subpoenas, and compel the attendance of witnesses and other evidence; amending s. 548.075, F.S.; authorizing the commission to adopt rules to permit the issuance of citations; repealing s. 548.045, F.S., relating to the creation, qualifications, compensation, and powers and duties of the medical advisory council; providing an effective date.

—was read the second time by title.

The Committee on Governmental Rules & Regulations offered the following:

(Amendment Bar Code: 092873)

Amendment 1—On page 9, line 6 after the word "commission"

insert: *or sanctioned by a Native American commission properly constituted under federal law*

The Committee on Governmental Rules & Regulations offered the following:

(Amendment Bar Code: 905565)

Amendment 2—On page 11, lines 11-18

remove from the bill: all of said lines

and insert: *be suspended for a period to be determined by the commission or shall be fined or both, as determined by the commission.*

The Committee on Governmental Rules & Regulations offered the following:

(Amendment Bar Code: 114921)

Amendment 3—On page 12, line 7 after the word “commission”

insert: *or commission representative*

The Committee on Governmental Rules & Regulations offered the following:

(Amendment Bar Code: 122311)

Amendment 4—On page 12, lines 12-13

remove from the bill: *representative of the commission*

and insert: *commission representative*

The Committee on Governmental Rules & Regulations offered the following:

(Amendment Bar Code: 125219)

Amendment 5—On page 13, between lines 12 and 13

insert: *(b) The commission may require urine samples, as provided in paragraph (a), to be done randomly. In the event one participant in a match is tested randomly, then the other participant in the match shall be tested also.*

(Redesignate subsequent paragraph)

The Committee on Governmental Rules & Regulations offered the following:

(Amendment Bar Code: 533799)

Amendment 6—On page 13, lines 30 through page 14, line 11

remove from the bill: *all of said lines*

and insert: *(4) The attending physician or physicians shall provide medical assistance at the facility, to the commission representative, and medical advice to the referee during the match, and shall be accorded the cooperation of all commission representatives and licensees present for the purpose of performing his or her medical duties. If, in the opinion of the attending physician, the referee has received an injury which prohibits the referee from continuing to officiate, the physician shall notify the commission representative who shall temporarily halt the match. The injured referee shall be attended to by the physician until the referee is no longer in danger or has been transferred to the care of another qualified person. The commission representative shall then direct the match to continue under the supervision of the referee or under the supervision of another referee, if the referee is unable to continue.*

The Committee on Governmental Rules & Regulations offered the following:

(Amendment Bar Code: 741609)

Amendment 7—On page 14, line 31 through page 15, line 1

remove from the bill: *between promoters, foreign copromoters,*

and insert: *executed in this state between managers*

The Committee on Governmental Rules & Regulations offered the following:

(Amendment Bar Code: 444663)

Amendment 8—On page 15, line 6 after the period (.)

insert: *A copy of all such contracts shall be filed with the commission within 7 calendar days of execution.*

The Committee on Governmental Rules & Regulations offered the following:

(Amendment Bar Code: 151789)

Amendment 9—On page 15, line 15 after “commission”

insert: *or a Native American commission properly constituted under federal law*

Rep. Starks moved the adoption of the committee amendments, which were adopted *en bloc*.

Representative(s) Starks offered the following:

(Amendment Bar Code: 881603)

Amendment 10—On page 14, line 17

remove from the bill: *\$5,000*

and insert in lieu thereof: *\$50,000*

Rep. Starks moved the adoption of the amendment, which was adopted.

Representative(s) Starks offered the following:

(Amendment Bar Code: 814211)

Amendment 11—On page 14, line 25

remove from the bill: *\$5,000*

and insert in lieu thereof: *\$25,000*

Rep. Starks moved the adoption of the amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 315—A bill to be entitled An act relating to the Florida Airport Authority Act; creating ss. 332.201, 332.202, 332.203, 332.204, 332.205, 332.206, 332.207, 332.208, 332.209, 332.210, and 332.211, F.S., the Florida Airport Authority Act; providing definitions; providing that a county or contiguous counties may form an airport authority; providing for appointment of members of the governing body of an authority; providing for officers, employees, expenses, removal from office, and application of financial disclosure provisions; providing purposes and powers of an authority; providing restrictions on authority powers; providing for issuance of bonds; providing that the county may be appointed as an authority's agent for construction; providing for acquisition of lands and property; providing for cooperation with other units, boards, agencies, and individuals; providing a covenant of the state with respect to bond issuance and agreements with federal agencies; providing an exemption from taxation; providing for applicability; providing an effective date.

—was read the second time by title.

THE SPEAKER IN THE CHAIR

The Committee on Finance & Taxation offered the following:

(Amendment Bar Code: 922737)

Amendment 1—On page 10, lines 20-31

remove from the bill: *all of said lines*

Rep. Rojas moved the adoption of the amendment, which was adopted.

The Committee on Transportation & Economic Development Appropriations offered the following:

(Amendment Bar Code: 274917)

Amendment 2—On page 8, lines 12-25

remove from the bill: *all of said lines and renumber subsequent sections*

Rep. Rojas moved the adoption of the amendment, which was adopted.

Representative(s) Rojas offered the following:

(Amendment Bar Code: 764911)

Amendment 3 (with title amendment)—On page 3, lines 8 through 31, and on page 4, lines 1-2, remove from the bill: all of said lines

and insert in lieu thereof:

332.203 Airport authority; formation; membership.—

(1) Any county which has a population of more than 2 million people shall form an airport authority, which shall be an agency of the state, pursuant to this act.

(2) The governing body of an authority shall consist of five voting members. The district secretary of the affected department district shall serve as a nonvoting member of the governing body of each authority located within the district. Each member of the governing body must at all times during his or her term of office be a permanent resident of the county which he or she is appointed to represent.

(a) Three members of the governing body shall be appointed for terms of 4 years by the Governor, subject to confirmation by the Senate. Such persons may not hold elective office during their terms of office.

(b) The remaining members shall be appointed by the board of county commissioners for terms of 3 years.

And the title is amended as follows:

On page 1, lines 7 and 8, remove from the title of the bill: all of said lines

and insert in lieu thereof: definitions; providing that certain counties may form an airport

Rep. Rojas moved the adoption of the amendment.

Representative(s) Rojas offered the following:

(Amendment Bar Code: 810107)

Amendment 1 to Amendment 3 (with title amendment)—On page 1, line 22 after the period

insert: *Where a former military facility is redeveloped and operated as an airport, and such airport is located in the unincorporated area of a county but directly abuts a municipal boundary, such airport shall be redeveloped and operated by an authority pursuant to this act. Notwithstanding the provisions of subsection (2), the governing body of such authority shall be comprised of seven members, three appointed by the governing body of the abutting municipality, two appointed by the Governor, and two appointed by the governing body of the county in which the airport is situated.*

And the title is amended as follows:

On page 2, lines 9-14, remove all of said lines

and insert:

On page 1, lines 7-9 remove all of said lines and insert: definitions; providing that certain counties shall form an airport authority; providing that certain former military facilities redeveloped and operated as an airport shall be redeveloped and operated by an authority under the act, and providing for membership of the governing body of such authorities; providing for appointment of members

Rep. Rojas moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 3**, as amended, which was adopted.

REPRESENTATIVE WASSERMAN SCHULTZ IN THE CHAIR

THE SPEAKER IN THE CHAIR

On motion by Rep. Bloom, under Rule 142(h), the following late-filed amendment was considered.

Representative(s) Bloom, Rojas, and Cosgrove offered the following:

(Amendment Bar Code: 090297)

Amendment 4—On page 12, line 30, remove from the bill: July 1, 2000

and insert in lieu thereof: May 15, 2001

Rep. Bloom moved the adoption of the amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 1047—A bill to be entitled An act relating to state government; creating the "Florida Customer Service Standards Act"; specifying measures that state departments and agencies are directed to implement with respect to interaction with their customers; providing for funding and enforcement; specifying that failure to comply with the act does not constitute a cause of action; providing an effective date.

—was read the second time by title.

The Committee on General Appropriations offered the following:

(Amendment Bar Code: 703955)

Amendment 1 (with title amendment)—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. *Florida Customer Service Standards Act.*—

(1) SHORT TITLE.—This section may be cited as the "Florida Customer Service Standards Act."

(2) PURPOSE.—It is the purpose of this section to direct state departments to practice and employ all the measures set forth in this section.

(3) DEFINITIONS.—As used in this section, the term:

(a) "Customer" means any member of the public who uses or requests services or information provided by a state department or who is required by statute to interact with the department. The term does not include those persons who are currently under criminal prosecution or who are in the custody or control of, or under the supervision of, the state or any political subdivision or agency, or who are currently subject to administrative action at the time the person uses or requests services or information from that particular department.

(b) "Department" means a principal administrative unit within the executive branch of state government, as defined in chapter 20, and shall also include the Public Service Commission.

(4) MEASURES TO BE IMPLEMENTED.—State departments shall:

(a) Designate an employee or employees in the department who shall be responsible for facilitating the resolution of customer complaints, including any customer complaints regarding unsatisfactory treatment by department employees.

(b) Provide available information, except information which is confidential pursuant to any other state or federal law, and accurate responses to questions and requests for assistance in a prompt manner.

(c) Acknowledge receipt of a telephonic or electronic question or request by the end of the next business day.

(d) Provide direct local or toll-free telephonic or direct electronic access to the department employee or employees designated to resolve customer complaints.

(e) Develop a process for review by upper-level management of any customer complaints not resolved by the department employee or

employees designated to resolve customer complaints. In evaluating the appropriateness of response time, management may consider periodic, high volume inquiries as a justifiable cause of delay.

(f) Develop customer-satisfaction measures as part of the department's performance-measurement system.

(g) Employ a system by which customer complaints and resolutions of those complaints are tracked.

(h) Provide statistical data on customer complaints and resolutions of those complaints, and on customer-satisfaction measures in annual reports or other performance publications, and use this data when conducting management and budget-planning activities.

(i) Provide training to employees on improving customer service and on the role of the department employee or employees designated to resolve customer complaints.

(j) Include in the departmental strategic plan a program outline or goal regarding customer service.

(k) Conduct interdepartmental discussions on methods of providing and improving customer service.

(5) AGENCY OPERATING HOURS.—Departments shall be staffed and open to the public for business on all regular business days.

(6) FUNDING.—Departments shall use available resources to achieve the purposes of this section.

(7) FAILURE TO COMPLY.—No cause of action shall arise in favor of any person due to a department's failure to comply with any provision of this section.

Section 2. This act shall take effect October 1, 2000.

And the title is amended as follows:

On page 1, lines 2-24,
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to state government; creating the "Florida Customer Service Standards Act"; specifying measures that state departments are directed to implement with respect to interaction with their customers; specifying that failure to comply with the act does not constitute a cause of action; providing an effective date.

WHEREAS, confidence in the government's ability to solve problems has been deteriorating for the past three decades; in 1963, the national public's confidence level rated 75 percent, compared to 1993, when confidence levels rated as low as 17 percent, and

WHEREAS, there is a need for customers to be treated with courtesy and respect, to have simplified access to services, to have services that are efficient, to have communications that are clear and easily understood, and to save money, and

WHEREAS, the State of Florida is dedicated to improving the service standards practiced by state departments and agencies, NOW, THEREFORE,

Rep. Wallace moved the adoption of the amendment.

Representative(s) Frankel offered the following:

(Amendment Bar Code: 551369)

Amendment 1 to Amendment 1—On page 2, line 6 of the amendment

after the word "Commission" insert: *and, for purposes of this act, shall include the legislative branch of state government*

Rep. Frankel moved the adoption of the amendment to the amendment.

On motion by Rep. Frankel, further consideration of **Amendment 1 to Amendment 1** was temporarily postponed under Rule 141.

Representative(s) Wallace offered the following:

(Amendment Bar Code: 321627)

Amendment 2 to Amendment 1—On page 1, line 27, through page 2, line 2,
remove from the amendment: all of said lines

and insert in lieu thereof: *department*.

Rep. Wallace moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Wallace offered the following:

(Amendment Bar Code: 120911)

Amendment 3 to Amendment 1—On page 3, between lines 21 and 22, of the amendment

insert:

(8) EXCEPTIONS.—*This section does not apply to a person who uses or requests services or information from a department when such service or information is related to that person's:*

(a) Criminal prosecution,

(b) Incarceration,

(c) Pending administrative action, or

(d) Current lawful state or local government custody.

Rep. Wallace moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1 to Amendment 1**, which failed of adoption.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 1587—A bill to be entitled An act relating to road designations; designating a portion of State Road 63 in Havana as Dr. Martin Luther King, Jr., Road; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

HB 1535—A bill to be entitled An act relating to taxation; creating the State Tax Reform Task Force; providing for the appointment and organization of the task force; specifying duties; providing for reports; providing for the expiration of the act; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Finance & Taxation offered the following:

(Amendment Bar Code: 372273)

Amendment 1—On page 1, lines 24-29
remove from the bill: all of said lines

and insert in lieu thereof:

(b) *Four members to be appointed by the President of the Senate.*

(c) *Four members to be appointed by the Speaker of the House.*

(d) *The Chair of the Senate Committee on Fiscal Resource at the time this act becomes law.*

(e) *The Chair of the House Committee on Finance and Taxation at the time this act becomes law.*

(f) *The Executive Director of the Department of Revenue or his or her designee.*

Rep. Albright moved the adoption of the amendment.

Representative(s) Ritter offered the following:

(Amendment Bar Code: 980453)

Amendment 1 to Amendment 1—On page 1, lines 18-21, remove from the amendment: all of said lines

and insert in lieu thereof:

(b) *Three members to be appointed by the President of the Senate. One member to be appointed by the minority party leader of the Senate.*

(c) *Three members to be appointed by the Speaker of the House. One member to be appointed by the minority party leader of the House of Representatives.*

Rep. Ritter moved the adoption of the amendment to the amendment, which failed of adoption.

The question recurred on the adoption of **Amendment 1**, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 2057—A bill to be entitled An act relating to school-level funding; creating s. 236.08103, F.S., the "Equity in School-Level Funding Act"; requiring school districts to allocate to each school within the district a specified minimum percentage of the funds generated by the school based on the Florida Education Finance Program; providing for graduated increases in such percentage; providing exemptions; providing for carryforward of unused funds allocated to the schools; providing for review of certain task force recommendations for potential inclusion of certain funds in the allocation methodology; providing that funds for supplemental academic instruction are excluded from the school-level allocation; providing an effective date.

—was read the second time by title.

On motion by Rep. Rayson, under Rule 142(h), the following late-filed amendment was considered.

Representative(s) Rayson and Alexander offered the following:

(Amendment Bar Code: 075769)

Amendment 1—On page 2, line 21, remove from the bill: 95

and insert in lieu thereof: 90

Rep. Rayson moved the adoption of the amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 1109—A bill to be entitled An act relating to building code administrators and inspectors; amending s. 468.609, F.S.; revising intent with respect to the examination required for certification as a building code administrator, plans examiner, or building code inspector; increasing the validity period of a provisional certificate; clarifying to whom a provisional certificate may be issued; deleting obsolete standard certificate equivalency provisions; providing for consistency in terminology; amending ss. 112.3145, 125.56, 212.08, 252.924, 404.056, 468.603, 468.604, 468.605, 468.607, 468.617, 468.621, 468.627, 468.631, 468.633, 471.045, 481.222, and 489.103, F.S.; providing for consistency in terminology; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs offered the following:

(Amendment Bar Code: 903959)

Amendment 1 (with title amendment)—On page 10, line 31, of the bill, after the period

insert: *However, direct supervision and the determination of qualifications under this paragraph may be provided by a building code*

administrator who holds a limited or provisional certificate in any county with a population of less than 75,000 and in any municipality located within such a county.

And the title is amended as follows:

On page 1, line 9, after the semicolon

insert: *authorizing newly employed or hired persons applying for provisional certification to perform for a specified period the duties of a plans examiner or building code inspector under the direct supervision of a building code administrator holding limited or provisional certification in counties with populations below a specified level and the municipalities therein;*

Rep. Stansel moved the adoption of the amendment, which was adopted.

The Committee on Business Regulation & Consumer Affairs offered the following:

(Amendment Bar Code: 331299)

Amendment 2 (with title amendment)—On page 24, between lines 18-19 of the bill

insert:

Section 19. Subsection (7) of section 489.107, Florida Statutes, is added to said section to read:

(7) *Notwithstanding the provisions of s. 20.165(7), the physical offices of the board shall be located in Leon County.*

And the title is amended as follows:

On page 1, line 17

insert: *amending s. 489.107, F.S.; causing the Construction Industry Licensing Board to be moved from Jacksonville to Leon County;*

Rep. Stansel moved the adoption of the amendment, which was adopted.

Representative(s) Pruitt and J. Miller offered the following:

(Amendment Bar Code: 464795)

Amendment 3 (with title amendment)—On page 12, between lines 27 and 28

insert: Section 7. Section 468.619, Florida Statutes, is created to read:

468.619 Building code enforcement officials' bill of rights.—

(1) *It is the finding of the Legislature that building code enforcement officials are employed by local jurisdictions to exercise police powers of the state in the course of their duties and are in that way similar to law enforcement personnel, correctional officers, and firefighters. It is the further finding of the Legislature that building code enforcement officials are thereby sufficiently distinguishable from other professionals regulated by the department so that their circumstances merit additional specific protections in the course of disciplinary investigations and proceedings against their licenses.*

(2) *All enforcement officials licensed under this part shall have the rights and privileges specified in this section. Such rights are not exclusive to other rights, and an enforcement official does not forfeit any rights otherwise held under federal, state, or local law. In any instance of a conflict between a provision of this section and a provision of chapter 455, the provision of this section shall supersede the provision of chapter 455.*

(3) *Whenever an enforcement official is subjected to an investigative interview for possible disciplinary action by the department, such interview shall be conducted pursuant to the requirements of this subsection.*

(a) The interview shall take place at a reasonable hour. If the interview is taken in person, it shall take place not more than 30 miles from where the licensee works, or at any other mutually agreeable location or time.

(b) An enforcement official may not be subjected to an interview without first receiving written notice of sufficient details of the complaint in order to be reasonably apprised of the nature of the investigation and of the substance of the allegations made. The enforcement official shall be informed prior to the interview whether the complaint originated from the department or from a consumer.

(c) At his or her request, an enforcement official under investigation shall have the right to be represented by counsel or by any other representative of his or her choice, who shall be present at such time as the enforcement official wishes during the interview.

(d) During the interview, the enforcement official may not be subjected to offensive language. No promise may be made or reward offered to the enforcement official as an inducement to answer any question.

(e) If requested by the enforcement official, the interview of an enforcement official, including notation of all recess periods, must be recorded on audio tape, or otherwise preserved in such a manner as to allow a transcript to be prepared, and there shall be no unrecorded questions or statements. Upon the request of the enforcement official, a copy of any such recording of the interview must be made available to the enforcement official no later than 72 hours following the interview, excluding holidays and weekends. The expense of the recording and transcript shall be borne by the enforcement official.

(f) If the testimony is transcribed, the transcript must be furnished to the enforcement official for examination, and shall be read to or by the enforcement official, unless waived by all parties involved. Any changes in form or substance that the enforcement official wants to make shall be listed in writing, with a statement of the reasons for making the changes. The changes shall be attached to the transcript. Any transcript of an interview with an enforcement official which is to be used in any proceeding against the enforcement official shall be sworn or affirmed to and acknowledged by the enforcement official.

(4) The investigation of a complaint against an enforcement official is subject to the time restrictions set forth in this subsection, and failure to comply with any time restriction set forth in this subsection shall result in dismissal of the complaint against the enforcement official. An investigation of a complaint against an enforcement official that was dismissed for failure to comply with a time restriction set forth in this subsection may not be reopened. However, in any instance of an additional complaint being initiated, information or investigation related to the dismissed complaint may be used.

(a) The department must inform the enforcement official of any legally sufficient complaint received, including the substance of the allegation, within 10 days after receipt of the complaint by the department.

(b) The enforcement official shall be given thirty (30) days to respond to any legally sufficient complaint.

(c) No longer than 180 days from the date of the receipt of the complaint, the department shall submit the investigation, whether complete or not, to the probable cause panel for review. In the event the investigation is not complete, the probable cause panel shall review and instruct the department to complete the investigation within a time certain and, in no event, greater than ninety (90) days or dismiss the complaint with prejudice.

(5) The enforcement official shall be considered an agent of the governmental entity employing him or her and as such shall be defended by that entity in any action brought by the department or the board, provided the enforcement official is working within the scope of his or her employment.

(6) An enforcement official shall not be subject to disciplinary action in regard to his or her certification for exercising his or her rights under this section.

(7) If any action taken against the enforcement official by the department or the board is found to be without merit by a court of competent jurisdiction, or if judgment in such an action is awarded to the enforcement official, the department or the board, or the assignee of the department or board, shall reimburse the enforcement official or his or her employer, as appropriate, for reasonable legal costs and reasonable attorney's fees incurred. The amount awarded shall not exceed the limit provided in s. 120.595.

(8) An enforcement official may bring civil suit against any person, group of persons, or organization or corporation, or the head of such organization or corporation, for damages, either pecuniary or otherwise, suffered pursuant to the performance of the enforcement official's duties or for abridgement of the enforcement official's civil rights arising out of the enforcement official's performance of official duties.

(9) Notwithstanding any other provision in law, while under investigation the enforcement official shall not be denied any and all the rights and privileges of a licensee in good standing.

And the title is amended as follows:

On page 1, line 12, after the word "terminology;"

insert: creating s. 468.619, F.S.; establishing special disciplinary procedures for building code enforcement officials;

Rep. Pruitt moved the adoption of the amendment, which was adopted.

Representative(s) J. Miller, Brown, and Ogles offered the following:

(Amendment Bar Code: 393277)

Amendment 4 (with title amendment)—On page 1, line 21 of the bill

insert:

Section 1. Subsections (2), (5), and (7) of section 218.72, Florida Statutes, are amended, and subsections (8) and (9) are added to said section, to read:

218.72 Definitions.—As used in this part:

(2) "Local governmental entity" means a county or municipal government, school board, school district, authority, special taxing district, other political subdivision, community college, or any office, board, bureau, commission, department, branch, division, or institution thereof or any project supported by county or municipal funds.

(5) "Purchase" means the purchase of goods, ~~or~~ services, or construction services, the purchase or lease of personal property, or the lease of real property by a local governmental entity.

(7) "Construction services" means all labor, services, and materials provided ~~performed~~ in connection with the construction, alteration, repair, demolition, reconstruction, or any other improvements to real property that require a license under parts I and II of chapter 489.

(8) "Payment request" means a request for payment for construction services which conforms with all statutory requirements and with all requirements specified by the local governmental entity to which the payment request is submitted if:

(a) Such requirements have been adopted by formal action of the local governmental entity taken prior to the transaction to which the payment request applies.

(b) The local governmental entity made such requirements available to vendors.

(9) "Agent" means project architect, project engineer, or any other agency or person acting on behalf of the local governmental entity.

Section 2. Section 218.73, Florida Statutes, is amended to read:

218.73 Timely payment for nonconstruction services.—The time at which payment is due for a purchase other than construction services by

a local governmental entity, ~~except for the purchase of construction services, is due~~ must be calculated from:

(1) The date on which a proper invoice is received by the chief disbursement officer of the local governmental entity after approval by the governing body, if required; or

(2) If a proper invoice is not received by the local governmental entity, the date:

(a) On which delivery of personal property is accepted by the local governmental entity;

(b) On which services are completed;

(c) On which the rental period begins; or

(d) On which the local governmental entity and vendor agree in a contract that provides dates relative to payment periods;

whichever date is latest.

Section 3. Section 218.735, Florida Statutes, is amended to read:

218.735 Timely payment for purchases of construction services.—

(1) The due date for payment for the purchase of construction services by a local governmental entity is determined as follows:

(a) ~~If an agent the project architect or project engineer must approve the payment request or invoice prior to the payment request or invoice being submitted to the local governmental entity, payment is due 25 20 business days after the date on which the payment request or architect or engineer approves the invoice and the invoice is stamped as received as provided in s. 218.74(1).~~

(b) ~~If an agent the project architect or project engineer need not approve the payment request or invoice which is submitted by the contractor, payment is due 20 business days after the date on which the payment request or invoice is stamped as received as provided in s. 218.74(1).~~

(2) The local governmental entity may reject the *payment request or invoice* within 20 business days after the date on which the *payment request or invoice* is stamped as received as provided in s. 218.74(1). The rejection must be written and must specify the deficiency in the *payment request or invoice* and the action necessary to make the *payment request or invoice* proper.

(3) ~~If a payment request or an invoice is rejected under subsection (2) or this subsection and the contractor submits a corrected payment request or invoice which corrects the deficiency specified in writing by the local governmental entity, the corrected payment request or invoice must be paid or rejected on the later of:~~

(a) Ten business days after the date the corrected *payment request or invoice* is stamped as received as provided in s. 218.74(1); or

(b) If the governing body is required by ordinance, charter, or other law to approve or reject the corrected *payment request or invoice*, the first business day after the next regularly scheduled meeting of the governing body held after the corrected *payment request or invoice* is stamped as received as provided in s. 218.74(1).

(4) If a dispute between the local governmental entity and the contractor cannot be resolved by the procedure in subsection (3), the dispute must be resolved in accordance with the dispute resolution procedure prescribed in the construction contract or in any applicable ordinance. In the absence of a prescribed procedure, the dispute must be resolved by the procedure specified in s. 218.76(2).

(5) ~~If a local governmental entity disputes a portion of a payment request or an invoice, the undisputed portion shall be paid timely, in accordance with subsection (1). The payment time periods provided in this section for construction services purchased by a local governmental entity shall not affect contractual provisions or contractual covenants of a local governmental entity in effect on September 30, 1995.~~

(6) ~~When a contractor receives payment from a local governmental entity for labor, services, or materials furnished by subcontractors and suppliers hired by the contractor, the contractor shall remit payment due to those subcontractors and suppliers within 15 days after the contractor's receipt of payment. When a subcontractor receives payment from a contractor for labor, services, or materials furnished by subcontractors and suppliers hired by the subcontractor, the subcontractor shall remit payment due to those subcontractors and suppliers within 15 days after the subcontractor's receipt of payment. Nothing herein shall prohibit a contractor or subcontractor from disputing, pursuant to the terms of the relevant contract, all or any portion of a payment alleged to be due to another party. In the event of such a dispute, the contractor or subcontractor may withhold the disputed portion of any such payment but the undisputed portion must be remitted within the time limits imposed by this subsection.~~

(7)(6) ~~All payments due under this section from a local governmental entity and not made within the time periods period specified by this section shall bear interest at the rate of 1 percent per month, or the rate specified by contract, whichever is greater as specified in s. 218.74(4).~~

Section 4. Section 218.74, Florida Statutes, is amended to read:

218.74 Procedures for calculation of payment due dates.—

(1) Each local governmental entity shall establish procedures whereby each *payment request or invoice* received by the local governmental entity is marked as received on the date on which it is delivered to an agent or employee of the local governmental entity or of a facility or office of the local governmental entity.

(2) The payment due date for a local governmental entity *for the purchase of goods or services other than construction services* is 45 days after the date specified in s. 218.73. The payment due date for the purchase of construction services is specified in s. 218.735.

(3) If the terms under which a purchase is made allow for partial deliveries and a *payment request or proper invoice* is submitted for a partial delivery, the time for payment for the partial delivery must be calculated from the time of the partial delivery and the submission of the *payment request or invoice* in the same manner as provided in s. 218.73 or s. 218.735.

(4) All payments, *other than payments for construction services*, due from a local governmental entity and not made within the time specified by this section bear interest from 30 days after the due date at the rate of 1 percent per month on the unpaid balance. The vendor must invoice the local governmental entity for any interest accrued in order to receive the interest payment. Any overdue period of less than 1 month is considered as 1 month in computing interest. Unpaid interest is compounded monthly. ~~With respect to each past due payment, interest ceases to accrue after interest on that payment has accrued for 12 months. For the purposes of this section, the term "1 month" means a period beginning on any day of one month and ending on the same day of the following month.~~

Section 5. Section 218.75, Florida Statutes, is amended to read:

218.75 Mandatory interest.—No contract between a local governmental entity and a vendor *or a provider of construction services* shall prohibit the ~~collection of vendor from invoicing the local governmental entity for~~ late payment interest charges allowable under this part.

Section 6. Section 218.76, Florida Statutes, is amended to read:

218.76 Improper *payment request or invoice*; resolution of disputes.—

(1) In any case in which an improper *payment request or invoice* is submitted by a vendor, the local governmental entity shall, within 10 days after the improper *payment request or invoice* is received by it, notify the vendor that the *payment request or invoice* is improper and indicate what corrective action on the part of the vendor is needed to make the *payment request or invoice* proper.

(2) In the event a dispute occurs between a vendor and a local governmental entity concerning payment of a *payment request* or an invoice, such disagreement shall be finally determined by the local governmental entity as provided in this section. Each local governmental entity shall establish a dispute resolution procedure to be followed by the local governmental entity in cases of such disputes. Such procedure shall provide that proceedings to resolve the dispute shall be commenced not later than 45 days after the date on which the *payment request* or proper invoice was received by the local governmental entity and shall be concluded by final decision of the local governmental entity not later than 60 days after the date on which the *payment request* or proper invoice was received by the local governmental entity. Such procedures shall not be subject to chapter 120, and such procedures shall not constitute an administrative proceeding which prohibits a court from deciding de novo any action arising out of the dispute. If the dispute is resolved in favor of the local governmental entity, then interest charges shall begin to accrue 10 45 days after the local governmental entity's final decision. If the dispute is resolved in favor of the vendor, then interest shall begin to accrue as of the original date the payment became due.

(3) *In an action to recover amounts due under s. 218.70-218.80, the prevailing party shall be entitled to recover court costs and attorney's fees at trial and on appeal.*

Section 7. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 255.05, Florida Statutes, are amended to read:

255.05 Bond of contractor constructing public buildings; form; action by materialmen.—

(1)(a) Any person entering into a formal contract with the state or any county, city, or political subdivision thereof, or other public authority, for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work shall be required, before commencing the work or before recommencing the work after a default or abandonment, to execute, deliver to the public owner, and record in the public records of the county where the improvement is located, a payment and performance bond with a surety insurer authorized to do business in this state as surety. The bond must state on its front page: the name, principal business address, and phone number of the contractor, the surety, the owner of the property being improved, and, if different from the owner, the contracting public entity; the contract number assigned by the contracting public entity; and a description of the project sufficient to identify it, ~~such as including, if applicable, a legal description or and the street address of the property being improved; and a general description of the improvement.~~ Such bond shall be conditioned *solely upon the contractor's performance of the construction work that the contractor perform the contract* in the time and manner prescribed in the contract and ~~the contractor's prompt payment promptly make payments to all persons defined in s. 713.01 who furnished labor, services, or materials for whose claims derive directly or indirectly from the prosecution of the work provided for in the contract.~~ Any claimant may apply to the governmental entity having charge of the work for copies of the contract and bond and shall thereupon be furnished with a certified copy of the contract and bond. The claimant shall have a right of action against the contractor and surety for the amount due him or her, including unpaid finance charges due under the claimant's contract. Such action shall not involve the public authority in any expense. When such work is done for the state and the contract is for \$100,000 or less, no payment and performance bond shall be required. At the discretion of the official or board awarding such contract when such work is done for any county, city, political subdivision, or public authority, any person entering into such a contract which is for \$200,000 or less may be exempted from executing the payment and performance bond. When such work is done for the state, the Secretary of the Department of Management Services may delegate to state agencies the authority to exempt any person entering into such a contract amounting to more than \$100,000 but less than \$200,000 from executing the payment and performance bond. In the event such exemption is granted, the officer or officials shall not be personally liable to persons suffering loss because of granting such exemption. The Department of Management Services shall maintain

information on the number of requests by state agencies for delegation of authority to waive the bond requirements by agency and project number and whether any request for delegation was denied and the justification for the denial.

(2)(a)1. If a claimant is no longer furnishing labor, services, or materials on a project, a contractor or the contractor's agent or attorney may elect to shorten the prescribed time in this paragraph within which an action to enforce any claim against a payment bond provided pursuant to this section may be commenced by recording in the clerk's office a notice in substantially the following form:

NOTICE OF CONTEST OF CLAIM
AGAINST PAYMENT BOND

To: . . . (Name and address of claimant). . .

You are notified that the undersigned contests your notice of nonpayment, dated,, and served on the undersigned on, and that the time within which you may file suit to enforce your claim is limited to 60 days after the date of service of this notice.

DATED on

Signed: . . . (Contractor or Attorney). . .

The claim of any claimant upon whom such notice is served and who fails to institute a suit to enforce his or her claim against the payment bond within 60 days after service of such notice shall be extinguished automatically. The clerk shall mail a copy of the notice of contest to the claimant at the address shown in the notice of nonpayment or most recent amendment thereto and shall certify to such service on the face of such notice and record the notice. Service is complete upon mailing.

2. A claimant, except a laborer, who is not in privity with the contractor shall, before commencing or not later than 45 days after commencing to furnish labor, materials, or supplies for the prosecution of the work, furnish the contractor with a notice that he or she intends to look to the bond for protection. A claimant who is not in privity with the contractor and who has not received payment for his or her labor, materials, or supplies shall deliver to the contractor and to the surety written notice of the performance of the labor or delivery of the materials or supplies and of the nonpayment. The notice of nonpayment may be served at any time during the progress of the work or thereafter but ~~not before 45 days after the first furnishing of labor, services, or materials, and not later than 90 days after the final furnishing of the labor, services, or materials by the claimant or, with respect to rental equipment, not later than 90 days after the date that the rental equipment was last on the job site available for use.~~ No action for the labor, materials, or supplies may be instituted against the contractor or the surety unless both notices have been given. Notices required or permitted under this section may be served in accordance with s. 713.18. An action, except for an action exclusively for recovery of retainage, must be instituted against the contractor or the surety on the payment bond or the payment provisions of a combined payment and performance bond within 1 year after the performance of the labor or completion of delivery of the materials or supplies. An action exclusively for recovery of retainage must be instituted against the contractor or the surety within 1 year after the performance of the labor or completion of delivery of the materials or supplies, or within 90 days after the contractor's receipt of final payment (or the payment estimate containing the owner's final reconciliation of quantities if no further payment is earned and due as a result of deductive adjustments) by the contractor or surety, whichever comes last. A claimant may not waive in advance his or her right to bring an action under the bond against the surety. In any action brought to enforce a claim against a payment bond under this section, the prevailing party is entitled to recover a reasonable fee for the services of his or her attorney for trial and appeal or for arbitration, in an amount to be determined by the court, which fee must be taxed as part of the prevailing party's costs, as allowed in equitable actions. The time periods for service of a notice of nonpayment or for bringing an action against a contractor or a surety shall be measured from the last day of furnishing labor, services, or materials by the claimant and shall

not be measured by other standards, such as the issuance of a certificate of occupancy or the issuance of a certificate of substantial completion.

Section 8. *Effective upon this act becoming a law, the Office of Program Policy Analysis and Government Accountability (OPPAGA), in consultation with the Legislative Committee on Intergovernmental Relations, shall:*

(1) *Conduct a study of construction retainage methods for public and private construction within the state of Florida. OPPAGA shall examine all relevant information, including, but not limited to the following:*

(a) *Information from various state and local governmental entities, public universities, and community colleges within the state of Florida.*

(b) *Information from the federal government and other states who have addressed construction payment or retainage issues, including states that are of comparable size to the state of Florida or that have a comparable amount of public or private construction activity as the state of Florida.*

(c) *Information from public and private owners, general contractors, subcontractors, material suppliers, construction managers, design-build professionals, architects, and engineers.*

(d) *Information from lenders and surety companies who are involved in public and private construction.*

(2) *Draw conclusions and make recommendations, as appropriate, with regard to the following issues:*

(a) *Whether the state should adopt new laws or modify existing laws to address the specific issues set forth below, and whether any existing statutes will require modification or repeal.*

(b) *The positive and negative impacts of the current systems of retainage being utilized throughout the state as applied to public sector and private sector construction contracts, and as between owners and contractors, between contractors and subcontractors, and between subcontractors and subcontractor.*

(c) *Whether the traditional 10 percent retainage practice in construction is equitable and whether there are viable alternatives to this practice.*

(d) *What may be an appropriate percentage of retainage to be held on all construction projects.*

(e) *What the purposes of retainage are for construction projects.*

(f) *Whether it is appropriate to hold all retainage until the end of a construction project or whether periodic release of retainage or release of retainage for specific divisions of work on a construction project is appropriate and reasonably manageable.*

(g) *What protections are currently in place for owners to insure that construction projects are progressing in a satisfactory manner, including, but not limited to, project management techniques, periodic inspections, services of project architects and engineers, and whether those protections are being adequately and properly utilized.*

(h) *What protections are currently in place or could be adopted for owners, contractors, and subcontractors through the utilization of construction payment and performance bonds.*

(i) *Whether the documentation required for construction projects contributes to delays in progress payments, final payments, and release of retainage; whether such requirements could be simplified or standardized to streamline the process; and whether it is appropriate for the Legislature to address this issue.*

(j) *Whether the Legislature should limit the percentage of retainage that can be held on public and private construction projects.*

(k) *Whether the Legislature should provide for periodic release of retainage on public and private construction projects.*

(l) *Whether the Legislature should establish requirements and time limits for owners and contractors to release final payment and retainage on all construction projects.*

(3) *OPPAGA shall present a report of its findings and recommendations to the President of the Senate, the Speaker of the House of Representatives, minority leaders of the Senate and House of Representatives, and chairs of the House Business Regulation & Consumer Affairs Committee and the Senate Regulated Industries Committee by January 1, 2001.*

Section 9. Sections amending sections 218.72, 218.73, 218.735, 218.74, 218.75, 218.76, and 255.05, F.S., shall take effect July 1, 2000, and shall apply to construction contracts entered into on or after July 1, 2000.

Section 10. Subsection (1) of section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) ~~All For those~~ elevators subject to this chapter ~~must be inspected pursuant to s. 399.13, by a third-party inspector certified as a Qualified Elevator Inspector, or maintained pursuant to a service maintenance contract continuously in force. A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. All elevators for which a service maintenance contract is not continuously in force, the division shall inspect such elevators at least once between July 1 of any year and June 30 of the next year, the state's fiscal year.~~

~~(b) When a service maintenance contract is continuously maintained with an elevator company, the division shall verify with the elevator company before the end of each fiscal year that the contract is in force and is being implemented. An elevator inspected by a Qualified Elevator Inspector shall be inspected annually, and all elevators covered by such a service maintenance contract shall be inspected by a certificate of competency holder state elevator inspector at least once every 2 fiscal years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

~~(b)(e)~~ The division may inspect an elevator whenever necessary to ensure its safe operation.

Section 11. Effective January 1, 2001, subsection (1) of section 399.13, Florida Statutes, is amended to read:

399.13 Delegation of authority to municipalities or counties.—

(1) The division may enter into contracts with municipalities or counties under which such municipalities or counties will issue construction permits, temporary operation permits, and certificates of operation; will provide inspection of elevators; and will enforce the applicable provisions of the Florida Building Elevator Safety Code, as required by this chapter. Each such agreement shall include a provision that the municipality or county shall maintain for inspection by the division copies of all applications for permits issued, a copy of each inspection report issued, and proper records showing the number of certificates of operation issued; shall include a provision that each required inspection be conducted by the holder of a certificate of competency issued by the division; and may include such other provisions as the division deems necessary.

Section 12. Subsections (2) and (6) of section 468.603, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

468.603 Definitions.—As used in this part:

(2) "Building code inspector" ~~or "inspector"~~ means any of those employees of local governments or state agencies with building construction regulation responsibilities who themselves conduct inspections of building construction, erection, repair, addition, or

alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or municipal or county ordinance.

(6) "Categories of building code inspectors" include the following:

(a) "Building inspector" means a person who is qualified to inspect and determine that buildings and structures are constructed in accordance with the provisions of the governing building codes and state accessibility laws.

(b) "Coastal construction inspector" means a person who is qualified to inspect and determine that buildings and structures are constructed to resist near-hurricane and hurricane velocity winds in accordance with the provisions of the governing building code.

(c) "Commercial electrical inspector" means a person who is qualified to inspect and determine the electrical safety of commercial buildings and structures by inspecting for compliance with the provisions of the National Electrical Code.

(d) "Residential electrical inspector" means a person who is qualified to inspect and determine the electrical safety of one and two family dwellings and accessory structures by inspecting for compliance with the applicable provisions of the governing electrical code.

(e) "Mechanical inspector" means a person who is qualified to inspect and determine that the mechanical installations and systems for buildings and structures are in compliance with the provisions of the governing mechanical code.

(f) "Plumbing inspector" means a person who is qualified to inspect and determine that the plumbing installations and systems for buildings and structures are in compliance with the provisions of the governing plumbing code.

(g) "One and two family dwelling inspector" means a person who is qualified to inspect and determine that one and two family dwellings and accessory structures are constructed in accordance with the provisions of the governing building, plumbing, mechanical, accessibility, and electrical codes.

(h) "Electrical inspector" means a person who is qualified to inspect and determine the electrical safety of commercial and residential buildings and accessory structures by inspecting for compliance with the provisions of the National Electrical Code.

(8) "Building code enforcement official" or "enforcement official" means a licensed building code administrator, building code inspector, or plans examiner.

And the title is amended as follows:

On page 1, lines 2 and 3
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to construction; amending s. 218.72, F.S.; redefining the terms "local government entity," "purchase," and "construction services" and defining the terms "payment request" and "agent" for the purpose of the Florida Prompt Payment Act; amending s. 218.73, F.S.; providing for timely payment for nonconstruction services; amending s. 218.735, F.S.; revising language with respect to timely payment for purchases of construction services; amending s. 218.74, F.S.; revising language with respect to procedures for calculation of payment due dates; amending s. 218.75, F.S.; revising language with respect to mandatory interest; amending s. 218.76, F.S.; revising language with respect to improper invoices and resolution of disputes; providing for the recovery of court costs and attorney's fees under certain circumstances; amending s. 255.05, F.S.; revising language with respect to the bond of a contractor constructing public buildings; requiring the Office of Program Policy Analysis and Government Accountability, in consultation with the Legislative Committee on Intergovernmental Relations, to conduct a study of construction retainage methods; specifying areas to be examined; requiring study conclusions and recommendations; amending s.

399.061, F.S.; privatizing elevator inspection services; amending s. 399.13, F.S.; correcting a reference with regard to the inspection code; amending s. 468.603, F.S.; redefining "building code inspector" and "categories of building inspectors" and defining "building code enforcement official";

Rep. J. Miller moved the adoption of the amendment, which was adopted.

Representative(s) Brown and J. Miller offered the following:

(Amendment Bar Code: 204295)

Amendment 5 (with title amendment)—On page 24, line 19 of the bill

insert:

Section 19. Section 725.06, Florida Statutes, is amended to read:

725.06 Construction contracts; limitation on indemnification.

(1) *A construction contract may require the parties to that contract to indemnify and hold harmless other parties to the contract, their officers and employees, from liabilities, damages, losses and costs, including, but not limited to reasonable attorney's fees, to the extent caused by the negligence, recklessness or intentional wrongful misconduct of the indemnifying party and persons employed or utilized by the indemnifying party in the performance of the construction contract.*

(2) *Except as specifically provided in subsection (1), a construction contract may not require one party to indemnify the other party, its employees, officers, directors, or agents from any liability, damage, loss, claim, action, or proceeding, and any such contract provision is void as against public policy of this state.*

~~Any portion of any agreement or contract for, or in connection with, any construction, alteration, repair, or demolition of a building, structure, appurtenance, or appliance, including moving and excavating connected with it, or any guarantee of, or in connection with, any of them, between an owner of real property and an architect, engineer, general contractor, subcontractor, sub-subcontractor, or materialman, or between any combination thereof, wherein any party referred to herein obtains indemnification from liability for damages to persons or property caused in whole or in part by any act, omission, or default of that party arising from the contract or its performance shall be void and unenforceable unless:~~

~~(1) The contract contains a monetary limitation on the extent of the indemnification and shall be a part of the project specifications or bid documents, if any, or~~

~~(2) The person indemnified by the contract gives a specific consideration to the indemnitor for the indemnification that shall be provided for in his or her contract and section of the project specifications or bid documents, if any.~~

And the title is amended as follows:

On page 1, line 17 after the ":",

insert: amending s. 725.06, F.S.; providing for indemnification in construction contracts and voiding all others as being against public policy;

Rep. Brown moved the adoption of the amendment, which was adopted.

Representative(s) J. Miller, Brown, and Ogles offered the following:

(Amendment Bar Code: 935845)

Amendment 6 (with title amendment)—On page 24, line 19
remove from the bill: all of said line

and insert in lieu thereof:

Section 19. Subsection (7) is added to section 471.015, Florida Statutes, to read:

471.015 Licensure.—

(7) *The board shall, by rule, establish qualifications for certification of licensees as special inspectors of the threshold buildings, as defined in sections 553.71 and 553.79, and shall compile a list of persons so certified. Special inspectors shall not be required to meet standards for certification other than those established by the board, nor shall the fee owner of a threshold building be prohibited from selecting any person certified by the board to be a special inspector. The board shall, by rule, further develop the minimum qualifications for the special inspector's authorized representative who is authorized to perform inspections of threshold buildings on behalf of the special inspector, pursuant to section 553.79.*

Section 20. Subsections (1) and (3) of section 471.025, Florida Statutes, are amended to read:

471.025 Seals.—

(1) The board shall prescribe, by rule, a form of seal to be used by registrants holding valid certificates of registration. Each registrant shall obtain an impression-type metal seal in the form aforesaid and may, in addition, register his or her seal electronically in accordance with ss. 282.70-282.75. All final drawings, specifications, plans, reports, or documents prepared or issued by the registrant and being filed for public record *and all final bid documents provided to the owner or the owner's representative* shall be signed by the registrant, dated, and stamped with said seal. Such signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Drawings, specifications, plans, reports, *final bid documents*, or documents prepared or issued by a registrant may be transmitted electronically and may be signed by the registrant, dated, and stamped electronically with said seal in accordance with ss. 282.70-282.75.

(3) No registrant shall affix or permit to be affixed his or her seal, name, or digital signature to any plan, specification, drawing, *final bid document*, or other document *that which* depicts work which he or she is not licensed to perform or which is beyond his or her profession or specialty therein.

Section 21. Subsection (7) is added to section 481.213, Florida Statutes, to read:

481.213 Licensure.—

(7) *The board shall, by rule, establish qualifications for certification of licensees as special inspectors of threshold buildings, as defined in section 553.71 and 553.79, and shall compile a list of persons so certified. Special inspectors shall not be required to meet standards for certification other than those established by the board, nor shall the fee owner of a threshold building be prohibited from selecting any person certified by the board to be a special inspector. The board shall, by rule, further develop the minimum qualifications for the special inspector's authorized representative who is authorized, pursuant to section 553.79, to perform inspections of threshold buildings on behalf of the special inspector.*

Section 22. Section 489.13, Florida Statutes, is amended to read:

489.13 Unlicensed contracting; *notice of noncompliance; fine; authority to issue or receive a building permit; web page.*—

(1) Any person performing an activity requiring licensure under this part as a construction contractor is guilty of unlicensed contracting if he or she does not hold a valid active certificate or registration authorizing him or her to perform such activity, regardless of whether he or she holds a local construction contractor license or local certificate of competency. Persons working outside the geographical scope of their registration are guilty of unlicensed activity for purposes of this part.

(2) *For a first offense, any person who holds a state or local construction license and is found guilty of unlicensed contracting under this section shall be issued a notice of noncompliance pursuant to s. 489.131(7).*

(3) *Notwithstanding s. 455.228, the department may impose an administrative fine of up to \$10,000 on any unlicensed person guilty of*

unlicensed contracting. In addition, the department may assess reasonable investigative and legal costs for prosecution of the violation against the unlicensed contractor. The department may waive up to one-half of any fine imposed if the unlicensed contractor complies with certification or registration within 1 year after imposition of the fine under this subsection.

(4)(a) *Any fines collected under this section shall be first used to cover the investigative and legal costs of prosecution.*

(b) *Any local governing body that forwards information relating to any person who is an unlicensed contractor shall collect 30 percent of the fine collected, after deduction of the investigative and legal costs of prosecution.*

(c) *The balance of any fines collected under this section shall be used to maintain the department's unlicensed contractor website page, as specified in subsection (6), and to fund the Construction Industries Recovery Fund. Nothing in this paragraph shall be construed to permit recovery from the Construction Industries Recovery Fund if the contractor is unlicensed.*

(5)(2) A local building department shall not issue a building permit to any contractor, or to any person representing himself or herself as a contractor, who does not hold a valid active certificate or registration in the appropriate category. Possession of a local certificate of competency or local construction license is not sufficient to lawfully obtain a building permit as a construction contractor if the activity in question requires licensure under this part. Nothing in this section shall be construed as prohibiting a local building department from issuing a building permit to a locally licensed or certified contractor for an activity that does not require licensure under this part.

(6) *The department shall create a web page, accessible through its Internet website, dedicated solely to listing any known information on unlicensed contractors. The information shall be provided in such a way that any person with computer on-line capabilities can access information on unlicensed contractors by name or by county. The department shall recognize that persons found guilty of unlicensed contracting do not have the same rights and privileges as licensees, and the department shall not restrict the quality or quantity of information on the web page required by this subsection, unless otherwise required by law.*

(7) *The remedies set forth in this section are not exclusive and may be imposed in addition to the remedies set forth in s. 489.127(2). In addition, nothing in this section is intended to prohibit the department or any local governing body from filing a civil action or seeking criminal penalties against an unlicensed contractor.*

Section 23. Paragraphs (j), (k), and (l) of subsection (3) of section 489.105, Florida Statutes, are amended to read:

489.105 Definitions.—As used in this part:

(3) "Contractor" means the person who is qualified for, and shall only be responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the subsequent paragraphs of this subsection. For the purposes of regulation under this part, "demolish" applies only to demolition of steel tanks over 50 feet in height; towers over 50 feet in height; other structures over 50 feet in height, other than buildings or residences over three stories tall; and buildings or residences over three stories tall. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(j) "Commercial pool/spa contractor" means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of any swimming pool, or hot tub or spa, whether public,

private, or otherwise, regardless of use. *The scope of work includes, including the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and of the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, as necessary. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, construction of floors, guniting, fiberglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, construction of decks, construction of equipment rooms or housing for pool equipment, and installation of package pool heaters and also includes the scope of work of a swimming pool/spa servicing contractor. However, the scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.*

(k) "Residential pool/spa contractor" means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of any residential swimming pool, or hot tub or spa, regardless of use. *The scope of work includes, including the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and of the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, as necessary. The scope of such work includes layout, excavation, operation of construction pumps for dewatering purposes, steelwork, installation of light niches, construction of floors, guniting, fiberglassing, installation of tile and coping, installation of all perimeter and filter piping, installation of all filter equipment and chemical feeders of any type, plastering of the interior, construction of decks, installation of housing for pool equipment, and installation of package pool heaters and also includes the scope of work of a swimming pool/spa servicing contractor. However, the scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.*

(l) "Swimming pool/spa servicing contractor" means a contractor whose scope of work involves, but is not limited to, the repair and the servicing and repair of any swimming pool, or hot tub or spa, whether public or private, or otherwise, regardless of use. *The scope of such work includes the repair or may include any necessary piping and repairs, replacement and repair of existing equipment, any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and the of installation of new pool/spa additional equipment, interior refinishing, the reinstallation or addition of pool heaters, the as necessary. The scope of such work includes the reinstallation of tile and coping, repair or and replacement of all perimeter piping and filter piping, the repair of equipment rooms or housing for pool/spa equipment, and the substantial or complete*

draining of a swimming pool, or hot tub or spa, for the purpose of any repair or renovation. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines filter equipment, and chemical feeders of any type, replastering, reconstruction of decks, and reinstallation or addition of pool heaters. The installation, construction, modification, substantial or complete disassembly, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning shall not require licensure unless the usage involves construction, modification, substantial or complete disassembly, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.

Section 24. Section 489.118, Florida Statutes, is amended to read:

489.118 Certification of registered contractors; grandfathering provisions.—The board shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

(1) Currently holds a valid registered local license in one of the contractor categories defined in s. 489.105(3)(a)-(p).

(2) Has, for that category, passed a written examination that the board finds to be substantially similar to the examination required to be licensed as a certified contractor under this part. For purposes of this subsection, a written, proctored examination such as that produced by the National Assessment Institute, Block and Associates, or NAI/Block, Exporior Assessments, Professional Testing, Inc., or Assessment Systems, Inc., shall be considered to be substantially similar to the examination required to be licensed as a certified contractor. *The board may not impose or make any requirements regarding the nature or content of these cited examinations.*

(3) Has at least 5 years of experience as a contractor in that contracting category, or as an inspector or building administrator with oversight over that category, at the time of application. For contractors, only time periods in which the contractor license is active and the contractor is not on probation shall count toward the 5 years required by this subsection.

(4) Has not had his or her contractor's license revoked at any time, had his or her contractor's license suspended within the last 5 years, or been assessed a fine in excess of \$500 within the last 5 years.

(5) Is in compliance with the insurance and financial responsibility requirements in s. 489.115(5).

Applicants wishing to obtain a certificate pursuant to this section must make application by November 1, 2004.

Section 25. Section 489.128, Florida Statutes, is amended to read:

489.128 Contracts performed by unlicensed contractors unenforceable.—As a matter of public policy, contracts entered into on or after October 1, 1990, and performed in full or in part by any contractor who fails to obtain or maintain a license in accordance with this part shall be unenforceable in law or in equity. *However, in the event the contractor obtains or reinstates his or her license, the provisions of this section shall no longer apply.*

Section 26. Subsections (12) and (15) of section 489.503, Florida Statutes, are amended to read:

489.503 Exemptions.—This part does not apply to:

(12) Any person as defined and licensed under chapter 527 while engaged in work regulated under that chapter.

(15) The provision, installation, testing, routine maintenance, factory-servicing, or monitoring of a personal emergency response system, as defined in s. 489.505, by an authorized person who:

(a) Is an employee of, or a volunteer supervised by an employee of, a health care facility licensed by the Agency for Health Care Administration;

(b) Performs services for the Department of Elderly Affairs;

(c) Performs services for the Department of Children and Family Services under chapter 410; or

(d) Is an employee of *or an authorized representative or distributor* for the producer of the personal emergency response system being monitored.

Section 27. Section 489.507, Florida Statutes, is amended to read:

489.507 Electrical Contractors' Licensing Board.—

(1) There is created in the department the Electrical Contractors' Licensing Board. The board shall consist of 11 members, 7 of whom shall be certified electrical contractors, 2 of whom shall be consumer members who are not, and have never been, electrical contractors or members of any closely related profession or occupation, and 2 of whom shall be certified alarm system contractors I. Members shall be appointed for 4-year terms.

(2) To be eligible to serve, each contractor member must have been certified by the board to operate as a contractor in the category with respect to which the member is appointed, be actively engaged in the construction business, and have been so engaged for a period of not less than 5 consecutive years before the date of appointment. Each appointee must be a citizen and resident of the state.

(3) The board has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part.

(4) It is the intent of the Legislature that the board promulgate no rules and take no action to require that applicants for certification as alarm system contractors serve any type of apprenticeship before being allowed to sit for the certification examination.

(5) *Any proposed board rule which has not been modified to meet proposed committee objections of the Joint Administrative Procedures Committee must receive concurrence from the department prior to filing the rule with the Department of State. The department may repeal any rule which the board has enacted and which has taken effect without having met proposed committee objections of the Joint Administrative Procedures Committee.*

(6)(5) The Electrical Contractors' Licensing Board and the Construction Industry Licensing Board shall each appoint a committee to meet jointly at least twice a year.

Section 28. Section 489.514, Florida Statutes, is amended to read:

489.514 Certification for registered contractors; grandfathering provisions.—

(1) The board shall, upon receipt of a completed application, ~~and appropriate fee, and proof of compliance with the provisions of this section, issue: a certification in the appropriate category to~~

(a) *To an applying registered electrical contractor a certificate as an electrical contractor, as defined in s. 489.505(12); or*

(b) *To an applying registered alarm system contractor a certificate in the matching alarm system contractor category, as defined in s. 489.505(2)(a) or (b); or*

(c) *To an applying registered electrical specialty contractor a certificate in the matching electrical specialty contractor category, as defined in s. 489.505(19).*

(2) ~~Any~~ contractor registered under this part who makes application under this section to the board ~~shall and can show that he or she meets~~ meet each of the following requirements for certification:

(a)(4) Currently holds a valid registered local license in the category of electrical contractor, ~~or~~ alarm system contractor, ~~or~~ electrical specialty contractor.

(b)(2) Has, for that category, passed a written, *proctored* examination that the board finds to be substantially similar to the examination required to be licensed as a certified contractor under this part. For purposes of this subsection, a written, proctored examination such as that produced by the National Assessment Institute, Block and Associates, ~~or~~ NAI/Block, *Exterior Assessments, Professional Testing, Inc., or Assessment Systems, Inc.*, shall be considered to be substantially similar to the examination required to be licensed as a certified contractor. *The board may not impose or make any requirements regarding the nature or content of these cited examinations.*

(c)(3) Has at least 5 years of experience as a contractor in that contracting category, or as a inspector or building administrator with oversight over that category, at the time of application. For contractors, only time periods in which the contractor license is active and the contractor is not on probation shall count toward the 5 years required under this subsection.

(d)(4) Has not had his or her contractor's license revoked at anytime, had his or her contractor's license suspended in the last 5 years, or been assessed a fine in excess of \$500 in the last 5 years.

(e)(5) Is in compliance with the insurance and financial responsibility requirements in s. 489.515(1)(b).

(3) *An applicant must make application by November 1, 2004, to be licensed pursuant to this section.*

Section 29. Paragraph (e) is added to subsection (2) of section 489.5185, Florida Statutes, to read:

489.5185 Fire alarm system agents.—

(2)

(e) *Persons who perform only monitoring are not required to complete the training required for fire alarm system agents.*

Section 30. Subsection (1) of section 489.522, Florida Statutes, is amended to read:

489.522 Qualifying agents; responsibilities.—

(1)(a) A qualifying agent is a primary qualifying agent unless he or she is a secondary qualifying agent under this section. All primary qualifying agents for a business organization are jointly and equally responsible for supervision of all operations of the business organization; for all field work at all sites; and for financial matters, both for the organization in general and for each specific job.

(b) *When a qualifying agent ceases to qualify a business, the qualifying agent must transfer the license to another business, qualify himself or herself as an individual, or place the license in an inactive status within 60 days after termination of the qualifying status with the business.*

Section 31. Subsection (5) of section 489.531, Florida Statutes, is renumbered as subsection (6) and amended, present subsections (3), (4), (6), and (7) are renumbered as subsections (4), (5), (7), and (8), respectively, and a new subsection (3) is added to said section, to read:

489.531 Prohibitions; penalties.—

(1) A person may not:

(a) Practice contracting unless the person is certified or registered;

(b) Use the name or title "electrical contractor" or "alarm system contractor" or words to that effect, or advertise himself or herself or a business organization as available to practice electrical or alarm system contracting, when the person is not then the holder of a valid certification or registration issued pursuant to this part;

(c) Present as his or her own the certificate or registration of another;

(d) Use or attempt to use a certificate or registration that has been suspended, revoked, or placed on inactive or delinquent status;

(e) Employ persons who are not certified or registered to practice contracting;

(f) Knowingly give false or forged evidence to the department, the board, or a member thereof;

(g) Operate a business organization engaged in contracting after 60 days following the termination of its only qualifying agent without designating another primary qualifying agent;

(h) Conceal information relative to violations of this part;

(i) Commence or perform work for which a building permit is required pursuant to part VII of chapter 533 without the building permit being in effect; or

(j) Willfully or deliberately disregard or violate any municipal or county ordinance relating to uncertified or unregistered contractors.

(3)(a) Any unlicensed person who violates any of the provisions of subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any unlicensed person who commits a violation of subsection (1) after having been previously found guilty of such violation commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Any unlicensed person who commits a violation of subsection (1) during the existence of a state of emergency declared by executive order of the Governor commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

The remedies set forth in this subsection are not exclusive and may be imposed in addition to the remedies set forth in s. 489.533(2).

~~(6)(5)(a)~~ The local governing body of a county or municipality, or its local enforcement body, is authorized to enforce the provisions of this part as well as its local ordinances against ~~locally-licensed or~~ registered contractors, as appropriate. The local jurisdiction enforcement body may conduct disciplinary proceedings against a ~~locally-licensed or~~ registered contractor and may require restitution or impose a suspension or revocation of the local license or a fine not to exceed \$5,000, or a combination thereof, against the ~~locally-licensed or~~ registered contractor, according to ordinances which a local jurisdiction may enact. In addition, the local jurisdiction may assess reasonable investigative and legal costs for the prosecution of the violation against the ~~registered contractor violator~~, according to such ordinances as the local jurisdiction may enact.

(b) In addition to any action the local jurisdiction enforcement body may take against the individual's local license, and any fine the local jurisdiction may impose, the local jurisdiction enforcement body shall issue a recommended penalty for board action. This recommended penalty may include a recommendation for no further action or a recommendation for suspension, revocation, or restriction of the registration or imposition of a fine to be levied by the board, or a combination thereof. The local jurisdiction enforcement body shall inform the disciplined *registered* contractor and the complainant of the local license penalty imposed, the board penalty recommended, the rights to appeal, and the consequences should the *registered* contractor decide not to appeal. The local jurisdiction enforcement body shall, upon having reached adjudication or having accepted a plea of nolo contendere, immediately inform the board of its action and the recommended board penalty.

(c) The department, the disciplined *registered* contractor, or the complainant may challenge the local jurisdiction enforcement body's recommended penalty for board action to the Electrical Contractors' Licensing Board. A challenge shall be filed within 60 days after the issuance of the recommended penalty to the board. If challenged, there is a presumptive finding of probable cause and the case may proceed without the need for a probable cause hearing.

(d) Failure of the department, the disciplined *registered* contractor, or the complainant to challenge the local jurisdiction's recommended

penalty within the time period set forth in this subsection shall constitute a waiver of the right to a hearing before the board. A waiver of the right to a hearing before the board shall be deemed an admission of the violation, and the penalty recommended shall become a final order according to procedures developed by board rule without further board action. The disciplined *registered* contractor may appeal this board action to the district court.

(e) The department may investigate any complaint which is made with the department. However, if the department determines that the complaint against a registered contractor is for an action which a local jurisdiction enforcement body has investigated and reached adjudication or accepted a plea of nolo contendere, including a recommended penalty to the board, the department shall not initiate prosecution for that action, unless the secretary has initiated summary procedures pursuant to s. 455.225(8).

(f) Nothing in this subsection shall be construed to allow local jurisdictions to exercise disciplinary authority over certified contractors.

Section 32. Section 489.532, Florida Statutes, is amended to read:

489.532 Contracts performed by unlicensed contractors unenforceable.—As a matter of public policy, contracts entered into on or after October 1, 1990, and performed in full or in part by any contractor who fails to obtain or maintain his or her license in accordance with this part shall be unenforceable in law, and the court in its discretion may extend this provision to equitable remedies. ~~However, in the event the contractor obtains or reinstates the license the provisions of this section shall no longer apply.~~

Section 33. Subsection (9) of section 553.71, Florida Statutes, is created to read:

553.71 Definitions.—

As used in this part, the term:

(9) "Special inspector" means a licensed architect or registered engineer certified, pursuant to chapter 471 or 481, to conduct inspections of threshold buildings.

Section 34. Paragraph (c) of subsection (5) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

(5)

~~(c) The commission shall, by rule, establish a qualification program for special inspectors and shall compile a list of persons qualified to be special inspectors. Special inspectors shall not be required to meet standards for qualification other than those established by the commission, nor shall the fee owner of a threshold building be prohibited from selecting any person qualified by the commission to be a special inspector. The architect or engineer of record may act as the special inspector provided she or he is on the Board of Professional Engineers' or the Board of Architecture and Interior Design's list of persons qualified to be special inspectors. School boards may utilize employees as special inspectors provided such employees are on one of the professional licensing boards' list of persons qualified to be special inspectors.~~

Section 35. Subsections (14) through (26) of section 633.021, Florida Statutes, are renumbered as subsections (15) through (27), and a new subsection (14) is added to said section, to read:

633.021 Definitions.—As used in this chapter:

(14) "Layout" as used in this chapter means the layout of risers, cross mains, branch lines, sprinkler heads, sizing of pipe, hanger locations, and hydraulic calculations in accordance with the design concepts established through the provisions of s. 553.79(6)(c).

Section 36. Except as otherwise provided, this act shall take effect July 1, 2000.

And the title is amended as follows:

On page 1, line 17 after the word "terminology,"

insert: amending s. 471.015, F.S.; establishing rule-making authority related to special inspectors of threshold buildings; amending s. 471.025, F.S.; adding a circumstance under which engineering documents must be sealed; amending s. 481.213, F.S.; providing authority for the board to develop qualifications for special inspectors of threshold buildings; amending s. 489.13, F.S.; providing additional disciplinary penalties for unlicensed electrical or alarm system contracting; amending s. 489.105, F.S.; revising the scope of work of commercial and residential pool/spa contractors and swimming pool/spa servicing contractors; amending s. 489.118, F.S.; limiting the time period during which registered applicants must apply to receive certification; amending s. 489.128, F.S.; eliminating an exemption from a provision invalidating contracts with unlicensed contractors; amending s. 489.503, F.S.; revising exemptions from regulation under pt. II, ch. 489, F.S., relating to electrical and alarm system contracting; amending s. 489.507, F.S.; limiting the rule making authority of the Electrical Contractors Licensing Board; amending s. 489.514, F.S.; revising grandfathering provisions for certification of registered electrical and alarm system contractors; amending s. 489.5185, F.S.; providing that persons who perform only monitoring are not required to complete the training required for fire alarm system agents; amending s. 489.522, F.S.; providing requirements when a qualifying agent ceases to qualify a business; amending s. 489.531, F.S.; providing penalties for violations by unlicensed persons of acts prohibited under pt. II, ch. 489, F.S., relating to electrical and alarm system contracting; amending s. 489.532, F.S.; eliminating an exemption from a provision invalidating contracts with unlicensed contractors; amending s. 553.71, F.S.; defining "special inspector;" amending 553.79, F.S.; moving regulation of special inspectors of threshold buildings from the Department of Community Affairs to the Board of Professions Engineers and the Board of Architecture and Interior Design; amending s. 633.021, F.S.; adding a definition of "layout";

Rep. J. Miller moved the adoption of the amendment.

On motion by Rep. Fiorentino, under Rule 142(h), the following late-filed amendment to the amendment was considered.

Representative(s) Fiorentino offered the following:

(Amendment Bar Code: 904131)

Amendment 1 to Amendment 6 (with title amendment)—On page 12, between lines 3 and 4, of the amendment

insert:

Section 27. Subsection (26) of section 489.505, Florida Statutes, is amended to read:

489.505 Definitions.—As used in this part:

(26) "Personal emergency response system" means any device which is simply plugged into a telephone jack or electrical receptacle and which is designed to initiate a telephone call to a person who responds to, or has a responsibility to determine the proper response to, personal emergencies, *but does not include hard-wired or wireless alarm systems designed to detect intrusion or fire.*

And the title is amended as follows:

On page 21, line 29, after the semicolon, of the amendment

insert: amending s. 489.505, F.S.; revising the definition of "personal emergency response system";

Rep. Fiorentino moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 6**, as amended, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 1439—A bill to be entitled An act relating to spring training franchise facilities; amending s. 212.20, F.S.; providing for a monthly distribution of a portion of revenues under chapter 212, F.S., to certified facilities for retained spring training franchises for a specified period; providing an aggregate limit on monthly distributions to all certified facilities for a retained spring training franchise; amending s. 288.1162, F.S.; redefining the term "new spring training franchise facility"; providing for certification of facilities for a retained spring training franchise by the Office of Tourism, Trade, and Economic Development; providing certification requirements; providing for competitive evaluation of applications for funding; providing evaluation criteria; providing for use of funds distributed pursuant to s. 212.20, F.S., to such facilities; requiring the Office of Tourism, Trade, and Economic Development to certify a specified number of sports facilities, and a specified number of facilities for retained spring training franchises, under s. 288.1162, F.S.; providing an effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

CS/HB 1923—A bill to be entitled An act relating to lawsuits involving the executive branch; amending s. 45.062, F.S.; providing additional requirements with respect to notification of certain settlements or orders; providing that certain settlements or orders shall be contingent upon and subject to legislative appropriation or statutory amendment; providing for the disposition of funds; providing legislative intent; amending s. 216.023, F.S.; providing for an inventory of all litigation in which an agency is involved that may require additional appropriations to the agency or amendments to the law under which the agency operates as a part of legislative budget requests; amending s. 284.385, F.S.; revising language with respect to the reporting and handling of claims by the Department of Insurance covered by the Florida Casualty Insurance Risk Management Trust Fund; providing an effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

CS/CS/HB 113—A bill to be entitled An act relating to suspension of a driver's license; amending s. 322.2615, F.S.; providing that the disposition of any related criminal proceedings shall not affect a suspension of a driver's license for refusal to submit to a blood, breath, or urine test; directing the Department of Highway Safety and Motor Vehicles to invalidate a suspension for driving with an unlawful blood-alcohol level or breath-alcohol level under certain circumstances; providing an effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

CS/CS/HB 855—A bill to be entitled An act relating to child welfare; amending s. 39.201, F.S.; revising confidentiality of recorded central abuse hotline calls relating to child abuse, neglect, or abandonment; providing circumstances in which an officer or employee of the judicial branch is not required to report child abuse, abandonment, or neglect; providing clarifying language for community-based care providers of foster care and related services; amending s. 39.202, F.S.; providing for the inclusion of the child protection team in the list of those to whom an alleged abuse reporter's name may be released; amending s. 39.205, F.S.; exempting judges from prosecution for failure to report; amending s. 39.301, F.S., relating to protective investigation; providing procedures pursuant to allegations of criminal conduct; providing for criminal investigation by local law enforcement agencies; clarifying that the age of parents shall be factored into risk assessments; changing certain time requirements; amending s. 39.303, F.S.; specifying additional supportive services to be provided by child protection teams; requiring certain training for medical personnel participating in a child protection team; revising reports of abuse, abandonment, or neglect that must be referred to the Department of Health for supportive services; revising requirements relating to review of certain cases of abuse, abandonment, or neglect and standards for face-to-face medical evaluations by a child protection team; requiring collaboration between certain state agencies relating to reports of child abuse, abandonment, and neglect; amending

s. 39.304, F.S.; providing for disposition of investigative photographs of physical abuse injuries and sexual abuse trauma; amending s. 39.402, F.S.; clarifying that the court must be informed of identified case plans at shelter hearings; amending s. 383.402, F.S.; revising duties of the state and local child abuse death review committees and district coordinators; amending s. 409.1671, F.S.; deleting requirement that the case-transfer process for contracts with community-based agencies for provision of foster care and related services identify closure of protective investigations; requiring a report at the conclusion of the investigation; providing an effective date.

—was read the second time by title.

On motion by Rep. Murman, under Rule 142(h), the following late-filed amendment was considered.

Representative(s) Murman offered the following:

(Amendment Bar Code: 423803)

Amendment 1 (with title amendment)—On page 18, between lines 20 and 21, of the bill

insert:

Section 9. Paragraph (b) of subsection (3) of section 409.145, Florida Statutes, is amended to read:

409.145 Care of children.—

(3)

(b) The services of the foster care program shall continue for those individuals 18 to 21 years of age only for the period of time the individual is continuously enrolled in high school, in a program leading to a high school equivalency diploma as defined in s. 229.814, or in a full-time career education program. Services shall be terminated upon completion of or withdrawal or permanent expulsion from high school, the program leading to a high school equivalency diploma, or the full-time career education program. *In addition, the department may, based upon the availability of funds, provide assistance to those individuals who leave foster care when they attain 18 years of age and subsequently request assistance prior to their 21st birthday. The following are examples of assistance that may be provided: referrals for employment, services for educational or vocational development, and housing assistance.*

And the title is amended as follows:

On page 2, line 14, after the semicolon,

insert: amending s. 409.145, F.S.; authorizing the Department of Children and Family Services to provide additional assistance for certain individuals leaving foster care;

Rep. Murman moved the adoption of the amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/CS/HB 567—A bill to be entitled An act relating to nursing; amending part XV of chapter 468, F.S., relating to certified nursing assistants, and transferring that part to chapter 464, F.S., relating to nursing, to transfer from the Department of Health to the Board of Nursing responsibility and rulemaking authority for regulation of certified nursing assistants; transferring from the Department of Education to the board responsibility for approval of training programs; revising grounds for which the board may impose certain penalties; creating s. 464.2085, F.S.; creating and providing requirements for a Council on Certified Nursing Assistants; amending ss. 20.43, 39.01, 39.304, 110.131, 232.46, 240.4075, 246.081, 310.102, 381.0302, 384.30, 384.31, 394.455, 395.0191, 400.021, 400.211, 400.402, 400.407, 400.4255, 400.426, 400.462, 400.464, 400.506, 400.6105, 401.23, 401.252, 408.706, 409.908, 415.1085, 455.597, 455.604, 455.667, 455.677, 455.694, 455.707, 458.348, 464.001, 464.002, 464.003, 464.006, 464.009, 464.016, 464.018, 464.019, 464.022, 464.023, 464.027, 466.003, 467.003, 467.0125, 467.203, 468.505, 483.041, 483.801, 491.0112,

550.24055, 627.351, 627.357, 627.9404, 641.31, 766.101, 766.110, 766.1115, 877.111, 945.602, 960.28, 984.03, 985.03, F.S.; conforming references; revising application procedures for certified nursing assistants; revising registration requirements for certified nursing assistants; amending ss. 400.215, 400.512, F.S.; revising provisions relating to the granting of exemptions from disqualification for employment in nursing homes or home health agencies; amending s. 455.557, F.S.; including advanced registered nurse practitioners under the credentialing program; creating s. 455.56503, F.S.; requiring advanced registered nurse practitioners to submit information and fingerprints for profiling purposes; amending s. 455.5651, F.S.; authorizing the department to publish certain information in practitioner profiles; amending s. 455.5653, F.S.; deleting obsolete provisions relating to scheduling and development of practitioner profiles for additional health care practitioners; providing access to information on advanced registered nurse practitioners maintained by the Agency for Health Care Administration for corroboration purposes; amending s. 455.5654, F.S.; providing for adoption by rule of a form for submission of profiling information; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Health & Human Services Appropriations offered the following:

(Amendment Bar Code: 644769)

Amendment 1 (with title amendment)—On page 22, between lines 23 and 24, of the bill

insert:

Section 19. Paragraph (c) is added to subsection (3) of section 400.23, Florida Statutes, to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(3)

(c) Licensed practical nurses licensed under chapter 464 who are providing nursing services in nursing home facilities under this part may supervise the activities of other licensed practical nurses, certified nursing assistants, and other unlicensed personnel providing services in such facilities in accordance with rules adopted by the Board of Nursing.

And the title is amended as follows:

On page 2, line 5, after the semicolon,

insert: amending s. 400.23, F.S.; authorizing licensed practical nurses in nursing home facilities to supervise the activities of other licensed practical nurses, certified nursing assistants, and other unlicensed personnel working in such facilities in accordance with rules adopted by the Board of Nursing;

Rep. Boyd moved the adoption of the amendment, which was adopted.

The Committee on Health & Human Services Appropriations offered the following:

(Amendment Bar Code: 153131)

Amendment 2 (with title amendment)—On page 81, between lines 15 and 16, of the bill

insert:

Section 77. *Subsection (20) of section 400.462, Florida Statutes, is repealed.*

Section 78. Paragraph (d) of subsection (4) of section 400.471, Florida Statutes, is amended to read:

400.471 Application for license; fee; provisional license; temporary permit.—

(4) Each applicant for licensure must comply with the following requirements:

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the abuse registry background check *through the agency* and the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard license may be granted to the licensee upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

Section 79. Subsection (3) is added to section 400.484, Florida Statutes, to read:

400.484 Right of inspection; deficiencies; fines.—

(3) In addition to any other penalties imposed pursuant to this section or part, the agency may assess costs related to an investigation that results in a successful prosecution, excluding costs associated with an attorney's time.

Section 80. Section 400.487, Florida Statutes, is amended to read:

400.487 *Home health service agreements; physician's treatment orders; patient assessment; establishment and review of plan of care; provision of services; orders not to resuscitate.—*

(1) Services provided by a home health agency must be covered by an agreement between the home health agency and the patient or the patient's legal representative specifying the home health services to be provided, the rates or charges for services paid with private funds, and the method of payment. A The home health agency providing skilled care must make an assessment of the patient's needs within 48 hours after the start of services.

(2) When required by the provisions of chapter 464, part I, part III, or part V of chapter 468, or chapter 486, the attending physician for a patient who is to receive skilled care must establish treatment orders. The treatment orders must be signed by the physician within 30 24 days after the start of care and must be reviewed, as at least every 62 days or more frequently as if the patient's illness requires, by the physician in consultation with home health agency personnel that provide services to the patient.

(3) A home health agency shall arrange for supervisory visits by a registered nurse to the home of a patient receiving home health aide services in accordance with the patient's direction and approval. If a client is accepted for home health aide services or homemaker or companion services and such services do not require a physician's order, the home health agency shall establish a service provision plan and maintain a record of the services provided.

(4) Each patient or client has the right to be informed of and to participate in the planning of his or her care. Each patient must be provided, upon request, a copy of the plan of care or service provision plan established and maintained for that patient or client by the home health agency.

(5) When nursing services are ordered, the home health agency to which a patient has been admitted for care must provide the initial admission visit, all service evaluation visits, and the discharge visit by qualified personnel who are on the payroll of, and to whom an IRS payroll form W-2 will be issued by, the home health agency. Services provided by others under contractual arrangements to a home health agency must be monitored and managed by the admitting home health agency. The admitting home health agency is fully responsible for ensuring that all care provided through its employees or contract staff is delivered in accordance with this part and applicable rules.

(6) The skilled care services provided by a home health agency, directly or under contract, must be supervised and coordinated in accordance with the plan of care.

(7) Home health agency personnel may withhold or withdraw cardiopulmonary resuscitation if presented with an order not to resuscitate executed pursuant to s. 401.45. The agency shall adopt rules providing for the implementation of such orders. Home health personnel and agencies shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct, for withholding or withdrawing cardiopulmonary resuscitation pursuant to such an order and rules adopted by the agency.

Section 81. Section 400.497, Florida Statutes, is amended to read:

400.497 Rules establishing minimum standards.—The agency shall adopt, publish, and enforce rules to implement this part, including, as applicable, ss. 400.506 and 400.509, which must provide reasonable and fair minimum standards relating to:

(1) The home health aide competency test and home health aide training. The qualifications, minimum training requirements, and supervision requirements of all home health agency personnel. The agency shall create the home health aide competency test and establish the curriculum and instructor qualifications for home health aide training. Licensed home health agencies may provide this training and shall furnish documentation of such training to other licensed home health agencies upon request. Successful passage of the competency test by home health aides may be substituted for the training required under this section and any rule adopted pursuant thereto.

(2) Shared staffing. The agency shall allow shared staffing if the home health agency is part of a retirement community that provides multiple levels of care, is located on one campus, is licensed under this chapter, and otherwise meets the requirements of law and rule.

~~*(2) Requirements for prospective employees. A home health agency must require prospective employees and contractors to submit an employment or contractual history, and it must verify the employment or contractual history unless through diligent efforts such verification is not possible. The agency shall prescribe by rule the minimum requirements for establishing that diligent efforts have been made. There is no monetary liability on the part of, and no cause of action for damages arising against, a former employer of a prospective employee or of prospective independent contractor with a licensed home health agency who reasonably and in good faith communicates his or her honest opinions about the former employee's job performance. This subsection does not affect the official immunity of an officer or employee of a public corporation.*~~

(3) The criteria for the frequency of onsite licensure surveys.

~~*(4)*~~*(3) Licensure application and renewal.*

~~*(5)*~~*(4) The administration of the home health agency, including requirements for onsite and electronic accessibility of supervisory personnel of home health agencies.*

~~*(5)*~~*Procedures for administering drugs and biologicals.*

~~*(6) Information to be included in*~~ *Procedures for maintaining patients' records.*

~~*(7)*~~*Ensuring that home health services are provided in accordance with the treatment orders established for each patient for whom physician orders are required.*

~~*(7)*~~*(8) Geographic service areas.*

~~*(9)*~~*Standards for contractual arrangements for the provision of home health services by providers not employed by the home health agency to whom the patient has been admitted.*

Section 82. Paragraph (d) of subsection (2) and subsection (13) of section 400.506, Florida Statutes, are amended, subsection (17) is

renumbered as subsection (18), and a new subsection (17) is added to said section, to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(2) Each applicant for licensure must comply with the following requirements:

(d) A provisional license may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the abuse registry background check *through the agency* and the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard license may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(13) Each nurse registry must comply with the procedures set forth in s. 400.512 ~~400.497(3)~~ for maintaining records of the employment history of all persons referred for contract and is subject to the standards and conditions set forth in *that section* ~~s. 400.512~~. However, an initial screening may not be required for persons who have been continuously registered with the nurse registry since September 30, 1990.

(17) In addition to any other penalties imposed pursuant to this section or part, the agency may assess costs related to an investigation that results in a successful prosecution, excluding costs associated with an attorney's time. If the agency imposes such an assessment and the assessment is not paid, and if challenged is not the subject of a pending appeal, prior to the renewal of the license, the license shall not be issued until the assessment is paid or arrangements for payment of the assessment are made.

Section 83. Paragraph (d) of subsection (4) of section 400.509, Florida Statutes, is amended, subsection (14) is renumbered as subsection (15), and a new subsection (14) is added to said section, to read:

400.509 Registration of particular service providers exempt from licensure; certificate of registration; regulation of registrants.—

(4) Each applicant for registration must comply with the following requirements:

(d) A provisional registration may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the abuse-registry background check *through the agency* and the Department of Law Enforcement background check, but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard registration may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and if a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(14) In addition to any other penalties imposed pursuant to this section or part, the agency may assess costs related to an investigation

that results in a successful prosecution, excluding costs associated with an attorney's time. If the agency imposes such an assessment and the assessment is not paid, and if challenged is not the subject of a pending appeal, prior to the renewal of the registration, the registration shall not be issued until the assessment is paid or arrangements for payment of the assessment are made.

Section 84. Section 400.512, Florida Statutes, is amended to read:

400.512 Screening of home health agency personnel; nurse registry personnel; and companions and homemakers.—The agency shall require employment or contractor screening as provided in chapter 435, using the level 1 standards for screening set forth in that chapter, for home health agency personnel; persons referred for employment by nurse registries; and persons employed by companion or homemaker services registered under s. 400.509.

(1) The agency may grant exemptions from disqualification from employment or contracting under this section as provided in s. 435.07.

(2) The administrator of each home health agency, the managing employee of each nurse registry, and the managing employee of each companion or homemaker service registered under s. 400.509 must sign an affidavit annually, under penalty of perjury, stating that all personnel hired, contracted with, or registered on or after October 1, 1994, who enter the home of a patient or client in their service capacity have been screened and that its remaining personnel have worked for the home health agency or registrant continuously since before October 1, 1994.

(3) As a prerequisite to operating as a home health agency, nurse registry, or companion or homemaker service under s. 400.509, the administrator or managing employee, respectively, must submit to the agency his or her name and any other information necessary to conduct a complete screening according to this section. The agency shall submit the information to the Department of Law Enforcement and *shall conduct a search for any report of confirmed abuse* ~~the department's abuse hotline for state processing~~. The agency shall review the record of the administrator or manager with respect to the offenses specified in this section and shall notify the owner of its findings. If disposition information is missing on a criminal record, the administrator or manager, upon request of the agency, must obtain and supply within 30 days the missing disposition information to the agency. Failure to supply missing information within 30 days or to show reasonable efforts to obtain such information will result in automatic disqualification.

(4) Proof of compliance with the screening requirements of chapter 435 shall be accepted in lieu of the requirements of this section if the person has been continuously employed or registered without a breach in service that exceeds 180 days, the proof of compliance is not more than 2 years old, and the person has been screened through the *agency for any reports of confirmed abuse* ~~central abuse registry and tracking system of the department~~ and for any criminal record from by the Department of Law Enforcement. A home health agency, nurse registry, or companion or homemaker service registered under s. 400.509 shall directly provide proof of compliance to another home health agency, nurse registry, or companion or homemaker service registered under s. 400.509. The recipient home health agency, nurse registry, or companion or homemaker service registered under s. 400.509 may not accept any proof of compliance directly from the person who requires screening. Proof of compliance with the screening requirements of this section shall be provided upon request to the person screened by the home health agencies; nurse registries; or companion or homemaker services registered under s. 400.509.

(5)(a) There is no monetary liability on the part of, and no cause of action for damages arises against, a licensed home health agency, licensed nurse registry, or companion or homemaker service registered under s. 400.509, that, upon notice of a confirmed report of adult abuse, neglect, or exploitation *through the agency*, terminates the employee or contractor against whom the report was issued, whether or not the employee or contractor has filed for an exemption with the agency in accordance with chapter 435 and whether or not the time for filing has expired.

(b) *If a home health agency is asked about a person who was employed by or contracted with that agency, there is no monetary liability on the part of, and no cause of action for damages arising against, a former employer of the person for that agency, who reasonably and in good faith communicates his or her honest opinions about the former caregiver's job performance. This paragraph does not affect the official immunity of an officer or employee of a public corporation.*

(6) The costs of processing the statewide correspondence criminal records checks ~~and the search of the department's central abuse hotline~~ must be borne by the home health agency; the nurse registry; or the companion or homemaker service registered under s. 400.509, or by the person being screened, at the discretion of the home health agency, nurse registry, or s. 400.509 registrant.

(7)(a) It is a misdemeanor of the first degree, punishable under s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

1. Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment a material fact used in making a determination as to such person's qualifications to be an employee under this section;

2. Operate or attempt to operate an entity licensed or registered under this part with persons who do not meet the minimum standards for good moral character as contained in this section; or

3. Use information from the criminal records or *the agency's reports of confirmed abuse* ~~central abuse hotline~~ obtained under this section for any purpose other than screening that person for employment as specified in this section or release such information to any other person for any purpose other than screening for employment under this section.

(b) It is a felony of the third degree, punishable under s. 775.082, s. 775.083, or s. 775.084, for any person willfully, knowingly, or intentionally to use information from the juvenile records of a person obtained under this section for any purpose other than screening for employment under this section.

And the title is amended as follows:

On page 2, line 23, after the semicolon,

insert: repealing s. 400.462(20), F.S., to delete the definition of "screening" under the Home Health Services Act; amending s. 400.471, F.S.; providing for an abuse registry background check through the Agency for Health Care Administration; amending s. 400.484, F.S.; providing for assessment of certain costs of an investigation that results in a successful prosecution; amending s. 400.487, F.S.; requiring home health service agreements; revising requirements for physician's treatment orders; providing for supervisory visits by a registered nurse under certain circumstances; deleting provisions relating to service provision plans; amending s. 400.497, F.S.; providing for a home health aide competency test, criteria for the frequency of onsite licensure surveys, and information to be included in patients' records; amending s. 400.506, F.S.; providing for an abuse registry background check through the Agency for Health Care Administration; authorizing assessment of certain costs of an investigation that results in a successful prosecution; revising a cross reference; making renewal of license contingent on payment or arrangement for payment of any unpaid assessment; amending s. 400.509, F.S.; providing for an abuse registry background check through the Agency for Health Care Administration; authorizing assessment of certain costs of an investigation that results in a successful prosecution; making renewal of registration contingent on payment or arrangement for payment of any unpaid assessment; amending s. 400.512, F.S.; revising provisions relating to the screening of home health agency, nurse registry, and companion and homemaker service personnel; requiring the Agency for Health Care Administration to conduct the search for reports of confirmed abuse; providing an exemption from liability under certain conditions for providing opinions on the job performance of former employees and contract workers; providing conforming changes;

Rep. Boyd moved the adoption of the amendment, which was adopted.

On motion by Rep. Boyd, under Rule 142(h), the following late-filed amendment was considered.

Representative(s) Boyd offered the following:

(Amendment Bar Code: 180311)

Amendment 3 (with title amendment)—On page 81, between lines 15 and 16, of the bill

insert:

Section 77. Subsection (5) of section 455.587, Florida Statutes, is amended to read:

455.587 Fees; receipts; disposition.—

(5) All moneys collected by the department from fees or fines or from costs awarded to the agency by a court shall be paid into a trust fund used by the department to implement this part. The Legislature shall appropriate funds from this trust fund sufficient to carry out this part and the provisions of law with respect to professions regulated by the Division of Medical Quality Assurance within the department and the boards. The department may contract with public and private entities to receive and deposit revenue pursuant to this section. The department shall maintain separate accounts in the trust fund used by the department to implement this part for every profession within the department. To the maximum extent possible, the department shall directly charge all expenses to the account of each regulated profession. For the purpose of this subsection, direct charge expenses include, but are not limited to, costs for investigations, examinations, and legal services. For expenses that cannot be charged directly, the department shall provide for the proportionate allocation among the accounts of expenses incurred by the department in the performance of its duties with respect to each regulated profession. *The regulation by the department of professions, as defined in this part, shall be financed solely from revenue collected by it from fees and other charges and deposited in the Medical Quality Assurance Trust Fund, and all such revenue is hereby appropriated to the department. However, it is legislative intent that each profession shall operate within its anticipated fees.* The department may not expend funds from the account of a profession to pay for the expenses incurred on behalf of another profession, *except that the Board of Nursing must pay for any costs incurred in the regulation of certified nursing assistants.* The department shall maintain adequate records to support its allocation of agency expenses. The department shall provide any board with reasonable access to these records upon request. The department shall provide each board an annual report of revenue and direct and allocated expenses related to the operation of that profession. The board shall use these reports and the department's adopted long-range plan to determine the amount of license fees. A condensed version of this information, with the department's recommendations, shall be included in the annual report to the Legislature prepared under s. 455.644.

And the title is amended as follows:

On page 2, line 23, after the semicolon,

insert: amending s. 455.587, F.S.; providing requirements for funding regulation of professions by the Department of Health;

Rep. Boyd moved the adoption of the amendment, which was adopted.

On motion by Rep. Boyd, under Rule 142(h), the following late-filed amendment was considered.

Representative(s) Boyd offered the following:

(Amendment Bar Code: 161205)

Amendment 4—On page 4, lines 10 through 15, remove from the bill: all of said lines

and insert in lieu thereof: administration of examinations. *The board shall require that the contract provider offer certified nursing assistant applications via the Internet, and may require the contract provider to accept certified nursing assistant applications for processing via the*

Internet. The board shall require the contract provider to provide the preliminary results of the certified nursing examination on the date the test is administered. The provider shall

Rep. Boyd moved the adoption of the amendment, which was adopted.

On motion by Rep. Boyd, under Rule 142(h), the following late-filed amendment was considered.

Representative(s) Boyd offered the following:

(Amendment Bar Code: 343141)

Amendment 5 (with title amendment)—On page 5, between lines 18 and 19, of the bill

insert: *(d) Has completed the curriculum developed under the Enterprise Florida Jobs and Education Partnership Grant and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department.*

And the title is amended as follows:

On page 1, line 9, after the semicolon,

insert: changing requirements for nursing assistants;

Rep. Boyd moved the adoption of the amendment, which was adopted.

On motion by Rep. Boyd, under Rule 142(h), the following late-filed amendment was considered.

Representative(s) Boyd offered the following:

(Amendment Bar Code: 833263)

Amendment 6—On page 21, lines 22 through 28, remove from the bill: all of said lines

and insert in lieu thereof:

(a) Persons who are enrolled in, *or have completed*, a state-approved nursing assistant program; or

(b) Persons who have been positively verified ~~by a state-approved test site as actively certified and on the registry in another state with no findings of abuse, but who have not completed the written examination required under this section; or~~

(c) *Persons who have preliminarily passed the state's certification exam.*

Rep. Boyd moved the adoption of the amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

REPRESENTATIVE CRADY IN THE CHAIR

HB 1741—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for certain information on nurses working in correctional or mental health facilities; amending s. 455.5656, F.S.; providing an exemption from public records requirements for information obtained for practitioner profiles of advanced registered nurse practitioners; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following:

(Amendment Bar Code: 232951)

Amendment 1—On page 1, line 24, of the bill

insert after “*facility*”: *as defined in s. 394.455(10), F.S.*,

Rep. Boyd moved the adoption of the amendment. Subsequently, **Amendment 1** was withdrawn.

The Committee on Governmental Operations offered the following:

(Amendment Bar Code: 235803)

Amendment 2—On page 4, line 13, remove from the bill: s. 455.56503

and insert in lieu thereof: s. 455.56505

Rep. Boyd moved the adoption of the amendment, which was adopted.

Representative(s) Boyd offered the following:

(Amendment Bar Code: 822757)

Amendment 3 (with title amendment)—On page 1, lines 24 and 30,

remove from the bill: *mental health facility*

and insert in lieu thereof: *forensic facility, as defined in s. 916.106(8), which are held by the Department of Children and Family Services, the Department of Health, and the Board of Nursing,*

And the title is amended as follows:

On page 1, line 6,

remove from the title of the bill: *mental health*

and insert in lieu thereof: *forensic*

Rep. Boyd moved the adoption of the amendment, which was adopted.

Representative(s) Boyd offered the following:

(Amendment Bar Code: 263365)

Amendment 4—On page 1, line 26, of the bill, after the period,

insert: *This paragraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2005, unless reviewed and saved from repeal through reenactment by the Legislature.*

Rep. Boyd moved the adoption of the amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 663—A bill to be entitled An act relating to safe neighborhood improvement districts; amending s. 163.340, F.S.; including university police patrols within a definition; amending s. 163.503, F.S.; revising certain definitions; amending s. 163.5035, F.S.; providing for exercise by university police patrols of law enforcement powers within safe neighborhood improvement districts; amending s. 163.506, F.S.; providing for qualifications of certain safe neighborhood improvement district boards of directors; specifying that university police patrol officers are state law enforcement officers; providing requirements; amending s. 163.5151, F.S.; authorizing certain interlocal agreements for certain purposes; creating s. 163.5235, F.S.; authorizing safe neighborhood improvement districts to enter into certain interlocal agreements for certain purposes; providing an effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

HB 1459—A bill to be entitled An act relating to the sale of liquefied petroleum gas; amending s. 527.01, F.S.; revising definitions; defining “category IV liquefied petroleum gas dispenser and recreational vehicle servicer” and “wholesaler”; amending s. 527.02, F.S.; including category IV liquefied petroleum gas dispensers and recreational vehicle services within licensure and examination provisions of ch. 527, F.S.; providing a penalty for operating without a license; setting application and renewal fees for a category III liquefied petroleum gas cylinder exchange unit operator and a category IV liquefied petroleum gas dispenser and recreational vehicle servicer; providing for prorating of license fees under specified circumstances; providing for transfer of licenses under specified conditions; providing for license transfer fee; providing period of validity for qualifier cards issued to category I liquefied petroleum gas dealers and liquefied petroleum gas installers; providing for renewal of

qualification; requiring category I liquefied petroleum gas dealers and liquefied petroleum gas installers to identify to the Department of Agriculture and Consumer Services a designated master qualifier; establishing examination and certification requirements for master qualifiers; requiring dealers to report to the department any vacancy in a qualifier or master qualifier position; providing for suspension of a dealer's license under specified circumstances; providing grounds for revocation of license or eligibility; providing for transfer of competency qualifications; amending s. 527.04, F.S.; increasing minimum requirements for insurance coverage; amending s. 527.06, F.S.; increasing civil penalties for violation of department rules; amending s. 527.11, F.S.; increasing minimum storage requirements for bulk storage filling plants; requiring that such plants be located in specified proximity to a licensee's business location; revising exemptions to such requirements; eliminating an exemption; removing a definition; amending s. 527.22, F.S.; revising provisions with respect to the Florida Propane Gas Education, Safety, and Research Council; revising provisions with respect to audits of account records of the council and review and inspection of council records; providing an effective date.

—was read the second time by title and, under Rule 121(b), referred to the Engrossing Clerk.

HB 2035—A bill to be entitled An act relating to postsecondary education; amending s. 240.2605, F.S., relating to the Trust Fund for Major Gifts; revising matching requirements for receipt of funds from the trust fund; providing separate matching requirements for universities endowing two-plus-two scholarships with community colleges; deleting a provision authorizing encumbrance of state matching funds for challenge grants from carryforward accounts; deleting a provision requiring university presidents to list donations from private donors for specific types of donations for the 1999-2000 fiscal year only; providing an effective date.

—was read the second time by title.

The Committee on Colleges & Universities offered the following:

(Amendment Bar Code: 703221)

Amendment 1 (with title amendment)—On page 4, lines 9-14, remove from the bill: all of said lines

and insert in lieu thereof:

~~(c) The Board of Regents shall encumber state matching funds for any pledged contributions, pro rata, based on the requirements for state matching funds as specified for the particular challenge grant and the amount of the private donations actually received by the university or Board of Regents Foundation for the respective challenge grant.~~

And the title is amended as follows:

On page 1, lines 9-11,
remove from the title of the bill: all of said lines

and insert in lieu thereof: colleges; deleting provisions authorizing or requiring encumbrance of state matching funds for challenge grants;

Rep. Constantine moved the adoption of the amendment, which was adopted.

Representative(s) Brown offered the following:

(Amendment Bar Code: 824323)

Amendment 2 (with title amendment)—On page 6, between lines 11 and 12,

insert:

Section 2. *Notwithstanding the provisions of this act donation agreements entered into prior to July 1, 2000, shall not be affected by the provisions of this act.*

And the title is amended as follows:

On page 1, line 15, after the semicolon,

insert: exempting certain donation agreements from provisions of the act;

Rep. Brown moved the adoption of the amendment.

Representative(s) Brown offered the following:

(Amendment Bar Code: 581129)

Substitute Amendment 2 (with title amendment)—On page 3, line 17,

insert: *4. Donations received before July 1, 2000, shall be matched at the percentage level in effect on the date the gift was received. Any gift agreements signed and received by July 1, 1999 that were approved for payment over a period of up to five years would be eligible for the level of match in effect when the agreement was received and initial payment was made.*

And the title is amended as follows:

On page 1, line 6, after the semicolon, of the amendment

insert: providing matching level for donations received before July 1, 2000; providing matching levels for gift agreements signed and received by July 1, 1999;

Rep. Brown moved the adoption of the substitute amendment, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 117—A bill to be entitled An act relating to motorcycle riders; amending s. 316.211, F.S.; exempting persons of a specified age from certain safety equipment requirements; providing an effective date.

—was read the second time by title.

THE SPEAKER IN THE CHAIR

Representative(s) Bloom offered the following:

(Amendment Bar Code: 742217)

Amendment 1—On page 1, line 23,
remove from the bill: \$10,000

and insert in lieu thereof: \$95,000

Rep. Bloom moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 257

Yeas—24

Betancourt	Casey	Greene, A.	Minton
Bloom	Chestnut	Hafner	Posey
Boyd	Crow	Jacobs	Reddick
Brown	Detert	Levine	Sobel
Bullard	Edwards	Lynn	Wallace
Bush	Frankel	Miller, L.	Wasserman Schultz

Nays—81

The Chair	Bilirakis	Dockery	Green, C.
Albright	Bitner	Effman	Greenstein
Alexander	Bradley	Eggelation	Harrington
Andrews	Bronson	Farkas	Hart
Argenio	Brummer	Fasano	Heyman
Argenziano	Byrd	Feeney	Hill
Arnall	Cantens	Futch	Johnson
Bainter	Constantine	Garcia	Jones
Ball	Cosgrove	Gay	Kilmer
Barreiro	Crady	Goode	Kosmas
Bense	Crist	Goodlette	Kyle

Lacasa	Patterson	Russell	Starks
Lee	Peaden	Ryan	Suarez
Littlefield	Prieguez	Sanderson	Sublette
Logan	Pruitt	Sembler	Trovillion
Maygarden	Putnam	Smith, C.	Villalobos
Merchant	Rayson	Smith, K.	Waters
Miller, J.	Ritchie	Sorensen	Wise
Morroni	Ritter	Spratt	
Murman	Rojas	Stafford	
Ogles	Rubio	Stansel	

Votes after roll call:

Yeas—Fiorentino

Nays—Henriquez, Wiles

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 739—A bill to be entitled An act relating to governmental reorganization; creating s. 20.121, F.S.; creating the Office of Chief Financial Officer; creating s. 20.131, F.S.; creating the Department of Insurance and Financial Services; providing for an executive director; providing for departmental structure; transferring powers, duties, functions, rules, records, personnel, property, and unexpended balances of funds of the Department of Banking and Finance and the Department of Insurance to certain divisions of the Department of Insurance and Financial Services; providing for delegation of executive authority; transferring the powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Comptroller to the Office of Chief Financial Officer; transferring the powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Insurance and the Department of Banking and Finance to the Department of Insurance and Financial Services; specifying that administrative rules of the Department of Banking and Finance and the Department of Insurance become administrative rules of the Department of Insurance and Financial Services; specifying that such rules become administrative rules of the Office of Chief Financial Officer under certain circumstances; providing for preservation of validity of judicial or administrative actions involving such departments; providing for substitution of certain parties in interest in such actions; requiring the Department of Insurance and the Department of Banking and Finance to provide reports to the Governor and the Legislature; directing the Division of Statutory Revision to prepare proposed substantive legislation by a certain time for certain purposes; repealing ss. 20.12 and 20.13, F.S., relating to the Department of Banking and Finance and the Department of Insurance, respectively; providing effective dates.

—was read the second time by title.

Representative(s) Cosgrove and Wiles offered the following:

(Amendment Bar Code: 301493)

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Effective January 7, 2003, section 20.131, Florida Statutes, is created to read:

20.131 Department of Insurance and Financial Services.—The Department of Insurance and Financial Services is created, the head of which department is the Chief Financial Officer, who shall hereafter be named the “Chief Financial Officer and Commissioner of Insurance and Financial Services.”

(1) DEPARTMENTAL STRUCTURE.—The department consists of a Division of State Finance, Division of Banking and Finance, a Division of Insurance, a Division of Criminal Investigation and Enforcement, a Division of State Fire Marshal, a Division of Risk Management, and a Division of Administration.

(a) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the:

1. former Department of Insurance that relate to the constitutional and statutory duties of the Treasurer, and the Government Employees Deferred Compensation Plan, and

2. former Department of Banking and Finance that relate to the constitutional duties of the Comptroller

are assigned to the Division of State Finance.

(b) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the former Department of Banking and Finance that relate to the regulation of banks, securities, and other financial institutions, including consumer assistance functions, are assigned to the Division of Banking and Finance.

(c) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the former Department of Insurance that relate to the regulation of insurance companies, insurance agents, and similar entities, including consumer assistance functions, are assigned to the Division of Insurance.

(d) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the former Office of Financial Investigations of the former Department of Banking and Finance and of the former Division of Insurance Fraud of the former Department of Insurance are assigned to the Division of Criminal Investigation and Enforcement.

(e) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the former Division of State Fire Marshal of the former Department of Insurance are assigned to the Division of State Fire Marshal.

(f) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the former Division of Risk Management of the former Department of Insurance are assigned to the Division of Risk Management.

(g) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the former Department of Banking and Finance and the former Department of Insurance that are not otherwise specified in this subsection are assigned to the Division of Administration.

Section 2. *(1) TRANSFERS TO THE DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES.—*

(a) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Banking and Finance; and

(b) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Insurance are transferred by a type two transfer, as defined in s. 20.06, Florida Statutes, to the Department of Insurance and Financial Services.

(2) This section shall take effect January 7, 2003.

Section 3. *Effective January 7, 2003, the administrative rules of the Department of Banking and Finance and of the Department of Insurance that were in effect immediately prior to January 7, 2003, shall become rules of the Department of Insurance and Financial Services and shall remain in effect until specifically changed in the manner provided by law.*

Section 4. *This act shall not affect the validity of any judicial or administrative action involving the Department of Banking and Finance or the Department of Insurance pending on January 7, 2003, and the Department of Insurance and Financial Services shall be substituted as a party in interest in any such action.*

Section 5. *No later than January 31, 2002, the Division of Statutory Revision of the Office of Legislative Services shall prepare and submit to the President of the Senate and the Speaker of the House of Representatives draft substantive legislation to conform the Florida*

Statutes to the provisions of this act. The legislation shall not be drafted as a reviser's bill. The draft shall include provisions:

(1) *Changing the term "Comptroller" or "Treasurer" to "Chief Financial Officer";*

(2) *Changing references to the Department of Banking and Finance or the Department of Insurance to the Department of Insurance and Financial Services; and*

(3) *Otherwise conforming the status to the abolition of the offices of Comptroller and Treasurer, the abolition of the Department of Banking and Finance and the Department of Insurance, and the creation of the Department of Insurance and Financial Services.*

Section 6. *Effective January 7, 2003, sections 20.12 and 20.13, Florida Statutes, are repealed.*

Section 7. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1,
remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to governmental reorganization; creating the Department of Insurance and Financial Services; providing for the Chief Financial Officer to be the head of the department; providing for departmental structure; transferring powers, duties, functions, rules, records, personnel, property, and unexpended balances of funds of the Department of Banking and Finance and the Department of Insurance to certain divisions of the Department of Insurance and Financial Services; specifying that administrative rules of the Department of Banking and Finance and the Department of Insurance become administrative rules of the Department of Insurance and Financial Services; providing for preservation of validity of judicial or administrative actions involving such departments; providing for substitution of certain parties in interest in such actions; directing the Division of Statutory Revision to prepare proposed substantive legislation by a certain time for certain purposes; repealing ss. 20.12 and 20.13, F.S., respectively; providing effective dates.

Rep. Cosgrove moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 258

Yeas—39

Betancourt	Eggelletion	Kosmas	Smith, C.
Bloom	Frankel	Lee	Sobel
Boyd	Gottlieb	Levine	Stafford
Brown	Greene, A.	Logan	Stansel
Bullard	Greenstein	Miller, L.	Suarez
Bush	Hafner	Rayson	Turnbull
Chestnut	Henriquez	Reddick	Wasserman Schultz
Cosgrove	Heyman	Ritchie	Wiles
Edwards	Hill	Ritter	Wilson
Effman	Jacobs	Ryan	

Nays—76

The Chair	Bitner	Dockery	Harrington
Albright	Bradley	Farkas	Hart
Alexander	Bronson	Fasano	Johnson
Andrews	Brummer	Feeney	Jones
Argenio	Byrd	Fiorentino	Kelly
Argenziano	Cantens	Flanagan	Kilmer
Arnall	Casey	Futch	Kyle
Bainter	Constantine	Garcia	Lacasa
Ball	Cradly	Gay	Lawson
Barreiro	Crist	Goode	Littlefield
Bense	Crow	Goodlette	Lynn
Bilirakis	Detert	Green, C.	Maygarden

Melvin	Peaden	Rubio	Starks
Miller, J.	Posey	Russell	Sublette
Minton	Prieguez	Sanderson	Trovillion
Morroni	Pruitt	Sembler	Tullis
Murman	Putnam	Smith, K.	Villalobos
Ogles	Roberts	Sorensen	Wallace
Patterson	Rojas	Spratt	Waters

Representative(s) Bainter offered the following:

(Amendment Bar Code: 255639)

Amendment 2 (with title amendment)—On page 2, line 18, remove from the bill: everything after the enacting clause,

and insert in lieu thereof:

Section 1. Effective January 7, 2003, subsection (3) of section 20.04, Florida Statutes, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(3) For their internal structure, all departments, except for the Department of Insurance and Financial Services ~~Banking and Finance~~, the Department of Children and Family Services, the Department of Corrections, the Department of Management Services, the Department of Revenue, and the Department of Transportation, must adhere to the following standard terms:

(a) The principal unit of the department is the "division." Each division is headed by a "director."

(b) The principal unit of the division is the "bureau." Each bureau is headed by a "chief."

(c) The principal unit of the bureau is the "section." Each section is headed by an "administrator."

(d) If further subdivision is necessary, sections may be divided into "subsections," which are headed by "supervisors."

Section 2. Effective January 7, 2003, sections 20.121 and 20.131, Florida Statutes, are created to read:

20.121 Office of Chief Financial Officer.—*There is created the Office of Chief Financial Officer. The head of the office is the Chief Financial Officer. Pursuant to s. 4, Art. IV of the State Constitution, the duties of the Chief Financial Officer are to serve as the chief fiscal officer of the state, to settle and approve accounts against the state, and to keep all state funds and securities. The Chief Financial Officer is also the administrator of the Government Employees Deferred Compensation Plan.*

20.131 Department of Insurance and Financial Services.—*There is created the Department of Insurance and Financial Services. The head of the Department of Insurance and Financial Services is the Governor and Cabinet.*

(1) EXECUTIVE DIRECTOR.—*The Executive Director of the Department of Insurance and Financial Services is the chief administrator of the department and shall be appointed by the Governor and Cabinet, subject to confirmation by the Senate. The executive director serves at the pleasure of the Governor and Cabinet. The functions of the executive director are limited to personnel, administrative, and budgetary matters, including administrative coordination of issues that affect areas under the offices of more than one commissioner and coordination of legislative activities.*

(2) DEPARTMENTAL STRUCTURE.—*The Governor and Cabinet, as department head, shall adopt rules establishing the organizational structure of the department. It is the intent of the Legislature to provide the Governor and Cabinet with the flexibility to organize the department in any manner they determine appropriate to promote both efficiency and accountability, subject to the following requirements:*

(a) *The major structural unit of the department is the "office." Each office is headed by a "commissioner." The offices are established as follows:*

1. *Office of the Commissioner of Insurance.*—The Office of the Commissioner of Insurance is responsible for all activities relating to the regulation of insurance and insurance fraud. The head of the office is the Commissioner of Insurance, who is also the State Fire Marshal.

2. *Office of the Commissioner of Financial Services.*—The Office of the Commissioner of Financial Services is responsible for all activities relating to the regulation of banks, credit unions, other financial institutions, securities, and finance companies. The head of the office is the Commissioner of Financial Services. The office includes a Division of Financial Investigations, which is headed by a director who is appointed by and serves at the pleasure of the commissioner.

(b)1. For purposes of chapter 120, each commissioner is the agency head for all units within that commissioner's jurisdiction, as provided in paragraph (a) and rules adopted pursuant to this subsection, except as provided in subparagraph 2. Each commissioner shall be responsible for, and take final agency action related to, the implementation and enforcement of all statutes and rules within the regulatory authority delegated to that commissioner's office.

2. A commissioner, upon adopting a rule under chapter 120, shall provide a copy of the rule to the Governor and Cabinet. The rule shall take effect 30 days after the rule is received by the Governor and Cabinet unless the Governor and Cabinet decides, by majority vote, to review the rule, in which event operation of the rule is stayed until the Governor and Cabinet decides, by majority vote, either to allow the rule to take effect as adopted or to disapprove the rule. This subparagraph does not apply to emergency rules.

(3) **APPOINTMENT AND QUALIFICATIONS OF COMMISSIONERS.**—Each commissioner shall be appointed by, and shall serve at the pleasure of, the executive director. The minimum qualifications of the commissioners are as follows:

(a) Prior to appointment as commissioner, the Commissioner of Insurance must have had, within the previous 10 years, at least 5 years of experience as a senior officer of an insurer as defined in s. 624.03, as a senior officer of an insurance agency as defined in s. 624.04, or as an examiner or other senior employee of a state or federal agency having regulatory responsibility over insurers or insurance agencies.

(b) Prior to appointment as commissioner, the Commissioner of Financial Services must have had, within the previous 10 years, at least 5 years of experience as a senior officer of a financial institution as defined in s. 655.005(1) or of a securities or finance company, or as an examiner or other senior employee of a state or federal agency having regulatory responsibility over financial institutions, securities, or finance companies.

Section 3. Transfers.—

(1) **TRANSFERS TO THE OFFICE OF CHIEF FINANCIAL OFFICER.**—

(a) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Office of the Comptroller;

(b) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Banking and Finance that relate to the constitutional functions of the Comptroller;

(c) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Office of the Treasurer, including the Government Employees Deferred Compensation Plan; and

(d) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Insurance that relate to the constitutional functions of the Treasurer

are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Office of Chief Financial Officer.

(2) **TRANSFERS TO THE DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES.**—

(a) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Banking and Finance not otherwise transferred by this act; and

(b) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Insurance not otherwise transferred by this act

are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Insurance and Financial Services.

(3) This section shall take effect January 7, 2003.

Section 4. Effective January 7, 2003, the administrative rules of the Department of Banking and Finance and of the Department of Insurance that were in effect immediately prior to January 7, 2003, shall become rules of the Department of Insurance and Financial Services and shall remain in effect until specifically changed in the manner provided by law. However, any such rules that relate to the constitutional functions of the Comptroller or the Treasurer shall instead become rules of the Office of Chief Financial Officer and shall remain in effect until specifically changed in the manner provided by law.

Section 5. This act shall not affect the validity of any judicial or administrative action involving the Department of Banking and Finance or the Department of Insurance pending on January 7, 2003, and the Department of Insurance and Financial Services shall be substituted as a party in interest in any such action. However, if the action involves the constitutional functions of the Comptroller or Treasurer, the Office of Chief Financial Officer shall instead be substituted as a party in interest.

Section 6. No later than July 1, 2001, the Department of Banking and Finance and the Department of Insurance shall each provide a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the fiscal committees of the Senate and the House of Representatives and to the presiding officers and fiscal chairs of the Senate and the House of Representatives specifying, on a position-by-position basis, those positions that are subject to transfer to the Office of Chief Financial Officer under this act. Except as revised by the General Appropriations Act or other legislation, the reports under this section shall be used to determine which employees of the Department of Banking and Finance or the Department of Insurance will become employees of the Office of Chief Financial Officer on January 7, 2003.

Section 7. No later than January 31, 2002, the Division of Statutory Revision of the Office of Legislative Services, in consultation with the appropriate substantive committee staffs of the Senate and the House of Representatives, shall submit to the President of the Senate and the Speaker of the House of Representatives proposed substantive legislation to conform the Florida Statutes to the provisions of this act. The proposed legislation shall include provisions:

(1) Changing the term "Comptroller" or "Treasurer" to "Chief Financial Officer" with respect to functions of the Chief Financial Officer.

(2) Changing references to the Department of Banking and Finance or the Department of Insurance to the Department of Insurance and Financial Services, except with respect to functions of the Chief Financial Officer.

(3) Otherwise conforming the Florida Statutes to the abolition of the offices of Comptroller and Treasurer, the creation of the Office of Chief Financial Officer, the abolition of the Department of Banking and Finance and the Department of Insurance, the creation of the Department of Insurance and Financial Services, and the creation of the offices of Commissioner of Insurance and Commissioner of Financial Services within the Department of Insurance and Financial Services.

Section 8. Effective January 7, 2003, sections 20.12 and 20.13, Florida Statutes, are repealed.

Section 9. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 3, through page 2, line 15,
remove from the title of the bill: all of said lines,

and insert in lieu thereof: amending s. 20.04, F.S.; providing an exception to departmental structure requirements; creating s. 20.121, F.S.; creating the Office of Chief Financial Officer; creating s. 20.131, F.S.; creating the Department of Insurance and Financial Services; providing for an executive director; providing for departmental structure; creating the offices of Commissioner of Insurance and Commissioner of Financial Services; providing for appointment and specifying qualifications for each commissioner; providing jurisdiction of the commissioners' offices; providing for exercise of executive authority; transferring the powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Comptroller to the Office of Chief Financial Officer; transferring the powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Department of Insurance and the Department of Banking and Finance to the Department of Insurance and Financial Services; specifying that administrative rules of the Department of Banking and Finance and the Department of Insurance become administrative rules of the Department of Insurance and Financial Services; specifying that such rules become administrative rules of the Office of Chief Financial Officer under certain circumstances; providing for preservation of validity of judicial or administrative actions involving such departments; providing for substitution of certain parties in interest in such actions; requiring the Department of Insurance and the Department of Banking and Finance to provide reports to the Governor and the Legislature; directing the Division of Statutory Revision to prepare proposed substantive legislation by a certain time for certain purposes; repealing ss. 20.12 and 20.13, F.S., relating to the Department of Banking and Finance and the Department of Insurance, respectively; providing effective dates.

Rep. Bainter moved the adoption of the amendment.

On motion by Rep. Bainter, under Rule 142(h), the following late-filed amendment to the amendment was considered.

Representative(s) Bainter offered the following:

(Amendment Bar Code: 194541)

Amendment 1 to Amendment 2—On page 4, line 4,
remove from the amendment: “30”

and insert in lieu thereof: 60

Rep. Bainter moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 2**, as amended, which was adopted.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Pruitt, the rules were suspended and the House moved to the order of—

Motions Relating to Committee References

On motion by Rep. Pruitt, agreed to by two-thirds vote, HB 761 was withdrawn from the Committee on Transportation & Economic Development Appropriations and placed on the appropriate Calendar.

Motion

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, the rules were suspended and the House changed the Order of Business for Wednesday, April 26, to take up Special Orders before Bills and Joint Resolutions on Third Reading.

Suspension of Rule 127 for Special Order Calendar

On motion by Rep. L. Miller, Rule 127 was suspended and the Chair of the Committee on Rules & Calendar, in consultation with Rep. L. Miller, was given permission to set the Special Order Calendar for Thursday, April 27.

Motion to Adjourn

Rep. Arnall moved that the House adjourn for the purpose of holding committee meetings and conducting other House business, to reconvene at 9:20 a.m., Wednesday, April 26. The motion was agreed to.

Recorded Votes

Rep. Bush:

Change from Yeas to Nays—HB 1157

Rep. Cosgrove:

Yeas—SB 172; CS/HB 293; CS/HB 785; HB 1481; CS/HB 1735; CS/HB 1901; CS/HB 1991; HB 2305

Rep. Edwards:

Yeas—SB 172; HB 2195

Rep. Farkas:

Yeas—HB 2301

Rep. C. Green:

Yeas—SB 58

Rep. Heyman:

Yeas—HB 135; HB 2077

Nays—HB 2263

Rep. Logan:

Yeas—motion to consider a late-filed amendment to HB 1599

Rep. Lynn:

Yeas—SB 156

Rep. Morroni:

Nays—motion to consider a late-filed amendment to HB 1599

Rep. Putnam:

Yeas—HB 253

Rep. Ritchie:

Yeas—SB 172; CS for CS for SB 714; HB 2195

Rep. Waters:

Yeas—HB 937

Prime Sponsors

HB 377—Roberts

Withdrawals as Prime Sponsor

HB 377—Detert

Cosponsors

HB 25—Crow, Edwards, Jones

CS/HB 111—Chestnut

HB 127—Lynn

CS/CS/HB 203—Murman

HB 253—Lynn, Murman

HB 255—Tullis

HB 377—Detert

CS/HB 399—Chestnut

HB 407—Chestnut
 HB 549—Sobel
 CS/CS/HB 615—Lynn
 CS/HB 659—Lynn
 HB 683—Andrews, Brown, Henriquez, Johnson, Murman
 CS/HB 701—Murman
 CS/HB 803—Bilirakis
 HB 937—Kelly
 CS/CS/HB 1005—Brown, Lynn, Maygarden, Murman, Pruitt, Wise
 CS/HB 1087—Kyle
 CS/HB 1137—Lynn
 CS/HB 1195—Kelly, Murman
 CS/HB 1539—Lynn, Murman
 HB 1579—Chestnut, Kelly, Lynn, Murman
 CS/HB 1631—Lynn
 CS/HB 1901—Lynn
 CS/HB 1941—Lynn
 CS/HB 1983—Harrington
 HB 1993—Kelly, Lynn
 HB 2071—Chestnut
 HB 2075—Lynn
 HB 2305—Lynn

Withdrawals as Cosponsor

CS/HB 433—Ritchie

Introduction and Reference

By Representatives Pruitt and Feeney—

HCR 2437—A concurrent resolution reconfirming the appointment of John W. Turcotte as Director of the Office of Program Policy Analysis and Government Accountability.

First reading by publication (Art. III, s. 7, Florida Constitution).

First Reading of Committee Substitutes by Publication

By the Committee on Finance & Taxation; Representatives Fasano, Starks, Russell, Goodlette, Lynn, Fiorentino, Murman, Brummer, Wallace, J. Miller, Ritchie, Johnson, Dockery, Constantine, Argenio, and Argenziano—

CS/HBs 67 & 187—A bill to be entitled An act relating to taxation; amending s. 199.023, F.S.; revising the definition of a “beneficial interest” in a trust for intangible personal property tax purposes; amending s. 199.032, F.S.; reducing the rate of the annual intangible personal property tax; amending s. 199.033, F.S.; reducing the rates of the tax on securities in a Florida’s Future Investment Fund to conform; amending s. 199.052, F.S.; providing that a trustee is not responsible for returns and is not required to pay annual tax on trust property; providing that a Florida resident with a beneficial interest in a trust is responsible for returns and payment of tax for his or her equitable share; revising provisions relating to the responsibilities of a bank or savings association acting as agent of a trust other than as a trustee and providing that its management or control shall not be used as a basis for imposing the annual tax; providing that intangible assets managed by a fiduciary or agent shall not have taxable situs in this state solely by virtue of such management; amending s. 199.175, F.S.; revising the definition of “any person domiciled in this state”; amending s. 199.183, F.S.; providing that intangible personal property owned, managed, or controlled by a trustee of a trust is exempt from the annual tax; amending s. 199.185, F.S.; providing that all accounts receivable are exempt from intangible personal property taxes; revising the exemption from the annual tax granted to natural persons; amending s. 199.292, F.S.; eliminating distribution of a portion of intangible personal property tax revenues to the Revenue Sharing Trust Fund for Counties; amending s. 212.20, F.S.; increasing the distribution of sales and use tax proceeds to the Local Government Half-cent Sales Tax Clearing Trust Fund; providing for distribution of a portion of sales and use tax proceeds to the Revenue Sharing Trust Fund for Counties; amending s. 218.23, F.S.; providing for an annual distribution from the trust fund to

certain consolidated units of local government; amending s. 218.25, F.S.; providing additional assurance to holders of bonds secured by shared funds; amending s. 288.1169, F.S.; correcting a reference; repealing s. 218.251, F.S.; which provides for an additional distribution to certain consolidated governments, subject to annual appropriations; providing an effective date.

By the Committees on Criminal Justice Appropriations; Crime & Punishment; Representatives Kyle, Crist, Bense, Feeney, Fasano, and Byrd—

CS/CS/HB 159—A bill to be entitled An act relating to the prosecution of juveniles; amending s. 985.227, F.S.; requiring that the state attorney prosecute a juvenile between certain ages as an adult if the juvenile is charged with a specified violent felony and possessed a firearm or destructive device during the commission of the felony or discharged a firearm or destructive device during the commission of the felony which resulted in death or great bodily harm; providing for a juvenile convicted under the act to be sentenced as an adult; specifying circumstances in which the provisions of this act do not apply; providing an effective date.

By the Committee on Transportation & Economic Development Appropriations; Representative Sublette—

CS/HB 1725—A bill to be entitled An act relating to debtors and creditors; amending s. 30.17, F.S.; providing for phaseout of sheriff’s execution docket; amending s. 30.231, F.S.; clarifying seizure of property for levy; amending s. 55.10, F.S.; increasing the time period to rerecord a lien in order to get the lien extended for a certain time; providing for application; creating s. 55.201, F.S.; requiring the Department of State to establish a database of judgment lien records; creating s. 55.202, F.S.; providing for acquisition of a judgment lien on personal property; creating s. 55.203, F.S.; providing requirements for the content, recording, and indexing of judgment lien certificates by the Department of State; creating s. 55.204, F.S.; providing for lapse of a judgment lien; providing for acquisition of a second judgment lien; creating s. 55.205, F.S.; providing for the effect of a judgment lien; creating s. 55.206, F.S.; providing for amendment, termination, partial release, assignment, continuation, tolling, or correction of a recorded judgment lien; creating s. 55.207, F.S.; providing for filing and effect of a correction statement as to a judgment lien record; creating s. 55.208, F.S.; providing for phaseout of the effect of writs of execution delivered to a sheriff prior to a date certain; creating s. 55.209, F.S.; providing for the responsibilities of the Department of State and for filing fees; amending s. 55.604, F.S.; eliminating requirement for the filing of a foreign judgment with the Department of State; conditioning the effect of a foreign judgment as a lien on personal property in this state based on the recording of a lien certificate; amending s. 56.21, F.S.; providing for notice of levy and execution sale and affidavit of levying creditor to judgment creditors and certain secured creditors; amending s. 56.27, F.S.; providing for distribution of money collected under execution; amending s. 56.29, F.S.; clarifying who may file an affidavit for purposes of supplementary proceedings; amending s. 77.01, F.S.; providing entities with right to writ of garnishment; creating s. 77.041, F.S.; providing for notice of procedures for asserting exemptions and requesting a hearing; amending s. 77.055, F.S.; clarifying requirements for service of garnishee’s answer and notice of right to dissolve writ of garnishment; amending s. 77.06, F.S.; providing for creation of judgment lien upon service of writ of garnishment; amending s. 222.01, F.S.; revising provisions relating to designation of homestead by the owner before levy; providing procedures; amending s. 222.12, F.S.; providing for taking of oath before notary public regarding exemptions from garnishment; amending s. 679.301, F.S.; revising the definition of a lien creditor; providing appropriations from the Corporations Trust Fund in the Department of State; amending s. 607.1901, F.S.; providing for the transfer of funds from the Corporations Trust Fund; providing effective dates.

By the Committees on General Government Appropriations; Judiciary; Representatives Bense, Feeney, and Casey—

CS/CS/HB 2023—A bill to be entitled An act relating to administrative procedure; amending s. 57.111, F.S.; increasing the

maximum net worth for qualification as a small business party under the Florida Equal Access to Justice Act; increasing the limitation on the amount of attorney's fees and costs that may be awarded under the act; amending s. 120.574, F.S., relating to summary hearings under the Administrative Procedure Act; redesignating such hearings as expedited hearings; revising conditions under which such hearings may be held; specifying time periods for filing objections to a motion for such a hearing; removing the requirement that the administrative law judge's decision is final agency action; providing for a recommended order and final agency action on that order; amending s. 373.1501, F.S., relating to administrative action with respect to project components of the Central and Southern Florida Project, s. 403.088, F.S., relating to proceedings regarding permits for certain facilities in the Everglades Protection Area, and s. 408.7056, F.S., relating to certain proposed orders under the Statewide Provider and Subscriber Assistance Program, to conform language with respect to expedited hearings; amending s. 403.973, F.S., which provides for expedited permitting for certain projects; revising conditions under which the expedited hearing provisions of the Administrative Procedure Act apply to the expedited permitting process; conforming language; amending s. 120.542, F.S.; allowing agencies to provide specified relief to persons whose substantial interests are determined by agency rule, rather than to persons who are subject to regulation; amending s. 120.595, F.S.; providing for award of attorney's fees and costs to the petitioner when an agency statement is challenged under the Administrative Procedure Act as not having been properly adopted as a rule and the agency has proceeded to rulemaking; amending s. 373.114, F.S.; providing that water management district orders resulting from certain evidentiary hearings are not subject to the Land and Water Adjudicatory Commission's review authority; redefining "party" under said section; amending s. 373.4141, F.S.; providing that an applicant for a permit for a stormwater management system, dam, impoundment, or other work under pt. IV of ch. 373, F.S., may elect to publish notice of such an application and request that certain notice be given by mail; requiring that a permanent list of persons requesting notice be maintained and updated; providing notice requirements; providing requirements applicable to a party whose substantial interests have been determined in connection with that party's right to an administrative hearing; providing that the party opposed to agency action bears the burden of going forward and persuasion; specifying the date by which a final hearing must be held when a permit application is challenged; providing that certain construction activities may be authorized during the pendency of the administrative proceeding; amending s. 403.412, F.S.; providing that a resident of this state who is not a substantially affected person may not initiate certain administrative proceedings under the Environmental Protection Act of 1971; amending s. 120.52, F.S.; clarifying which governmental entities are subject to the Administrative Procedure Act; providing an effective date.

By the Committees on General Government Appropriations; Agriculture; Representatives Putnam, Peaden, Bainter, Harrington, Spratt, J. Miller, Patterson, and Stansel—

CS/HB 2209—A bill to be entitled An act relating to protection of agriculture and horticulture; amending s. 581.091, F.S.; clarifying provisions with respect to a requirement to immediately inform the Department of Agriculture and Consumer Services upon receipt or possession of any noxious weed, plant, plant product, or regulated article infected or infested with any plant pest, declared to be a threat to the state's agricultural and horticultural interests, and to hold such weed, plant, or article for inspection; providing that it is unlawful to fail to disclose information regarding any infected or infested plant, plant product, regulated article, or noxious weed; amending s. 581.184, F.S.; defining "infected or infested" and "exposed to infection" for purposes of the act; requiring the department to develop a statewide program of decontamination to prevent and limit the spread of citrus canker disease; providing program requirements; authorizing the department to develop specified compliance agreements and other agreements; providing for waiver of liability for specified costs or damages associated with soil or water contamination resulting from a program of decontamination to prevent and limit the spread of citrus canker disease; requiring county sheriffs, upon request of the department, to

provide assistance in obtaining access to private property for the purpose of enforcing citrus canker eradication efforts; specifying responsibilities of the sheriff; authorizing the department to reimburse the sheriff for reasonable costs of implementing the provisions of the act; providing for satisfaction of specified notice requirements; amending s. 298.22, F.S.; authorizing water control districts to construct and operate facilities to control and prevent agricultural pests and diseases; amending s. 298.005, F.S.; revising the definition of "owner" with respect to water control districts; amending s. 298.11, F.S.; providing that water control district voting rights are based on ownership of assessable acres of land; amending s. 298.12, F.S.; prohibiting landowners in arrears for the previous year's assessments from voting in the annual election of water control district supervisors; amending s. 298.225, F.S.; defining "minor insubstantial amendments" to a water control district's water control plan; providing an effective date.

By the Committees on General Government Appropriations; Agriculture; Representatives Putnam, Peaden, Bainter, Harrington, Spratt, J. Miller, Stansel, and Patterson—

CS/HB 2237—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 212.02, F.S.; defining "agricultural production"; amending s. 253.025, F.S.; clarifying provisions relating to conveyance of state lands to the department for forestry facilities; deleting references to specific fire tower sites and work centers with respect to use of the department's Relocation and Construction Trust Fund; amending s. 482.051, F.S.; revising authority of the department to adopt rules relating to pesticides used for preconstruction treatments; amending s. 482.132, F.S.; providing for pest control operator certification of qualified United States Department of Defense employees; amending s. 487.081, F.S.; waiving liability for pesticide contamination when pesticides are used in accordance with state and federal law; providing for inspection of records; providing rulemaking authority; providing retroactive application; amending ss. 500.12 and 500.459, F.S.; deleting certain requirements relating to the setting and use of fees for bottled water plants, packaged ice plants, and water vending machines; amending s. 531.41, F.S.; authorizing the department to provide by rule for voluntary registration of private weighing and measuring device service agencies and personnel; amending s. 570.07, F.S.; authorizing deposit of certain moneys in the department's employees' benefit fund; authorizing the department to purchase supplemental food and drink items and set temporary meal expenditure limits, under emergency conditions; providing restrictions; amending s. 570.242, F.S.; revising the definition of "agriculturally depressed area" under the Agricultural Economic Development Act; amending s. 570.248, F.S.; revising membership of the Agricultural Economic Development Project Review Committee; creating s. 570.249, F.S.; providing for Agricultural Economic Development Program disaster loans; providing criteria for use of loan funds, eligible crops, and loan applications; providing requirements for loan security and loan repayment; creating s. 570.92, F.S.; providing for an equestrian educational sports program at 4-year state universities; amending s. 570.952, F.S.; revising provisions relating to membership appointment and terms of the Florida Agriculture Center and Horse Park Authority; renumbering and amending s. 585.89, F.S.; authorizing state agencies and entities to purchase fresh or frozen beef or pork inspected by another state's federally approved inspection program; renumbering and amending s. 585.92, F.S.; clarifying provisions relating to "All American" and "Genuine Florida" meat or meat products; amending s. 590.015, F.S.; revising the definition of "wild land" in provisions relating to forest protection; amending s. 590.14, F.S.; deleting authority of the Division of Forestry to issue warning citations relating to certain authorized fires; clarifying a penalty; amending s. 590.28, F.S.; providing a penalty for intentional or reckless burning of lands; amending s. 616.242, F.S.; revising timing requirements for inspection and permitting of amusement rides; deleting exemptions from inspection requirements for certain temporary amusement rides at public events; amending s. 823.14, F.S.; limiting local government regulation of farm operations on certain agricultural land, under the Florida Right to Farm Act; amending s. 828.12, F.S.; revising provisions relating to cruelty to animals; providing authority to the department to negotiate agreements with certain landowners for water use in rural

areas; repealing s. 205.1951, F.S., relating to local occupational licenses for establishments regulated under the state meat inspection program; repealing ss. 585.70, 585.71, 585.715, 585.72, 585.73, 585.74, 585.75, 585.76, 585.77, 585.78, 585.79, 585.80, 585.81, 585.82, 585.83, 585.84, 585.85, 585.86, 585.87, 585.88, 585.90, 585.902, 585.903, 585.904, 585.91, 585.93, and 585.96, F.S., relating to the state meat inspection program; providing an effective date.

By the Committee on General Appropriations; Representatives Feeney, Waters, Peadar, Fasano, Maygarden, Farkas, Minton, Sorensen, Casey, Putnam, and Argenio—

CS/HB 2339—A bill to be entitled An act relating to comprehensive health care; providing a short title; amending s. 400.471, F.S.; deleting the certificate-of-need requirement for licensure of Medicare-certified home health agencies; amending s. 408.032, F.S.; adding definitions of “exemption” and “mental health services”; deleting the definitions of “home health agency,” “institutional health service,” “intermediate care facility,” “multifacility project,” and “respite care”; revising the definition of “health services”; amending s. 408.033, F.S.; deleting references to the state health plan; amending s. 408.034, F.S.; deleting a reference to licensing of home health agencies by the Agency for Health Care Administration; amending s. 408.035, F.S.; deleting obsolete certificate-of-need review criteria and revising other criteria; amending s. 408.036, F.S.; revising provisions relating to projects subject to review; deleting references to Medicare-certified home health agencies; deleting the review of certain acquisitions; specifying the types of bed increases subject to review; deleting cost overruns from review; deleting review of combinations or division of nursing home certificates of need; providing for expedited review of certain conversions of licensed hospital beds; deleting the requirement for an exemption for initiation or expansion of obstetric services, provision of respite care services, establishment of a Medicare-certified home health agency, or provision of a health service exclusively on an outpatient basis; providing exemptions for combinations or divisions of nursing home certificates of need and additions of certain hospital beds and nursing home beds within specified limitations; providing exemptions for the addition of temporary acute care beds in certain hospitals and for the establishment of certain types of specialty hospitals through transfer of beds and services from certain existing hospitals; requiring a fee for each request for exemption; amending s. 408.037, F.S.; deleting reference to the state health plan; amending ss. 408.038, 408.039, 408.044, and 408.045, F.S.; replacing “department” with “agency”; clarifying the opportunity to challenge an intended award of a certificate of need; amending s. 408.040, F.S.; deleting an obsolete reference; revising the format of conditions related to Medicaid; creating a certificate-of-need workgroup within the Agency for Health Care Administration; providing for expenses; providing membership, duties, and meetings; requiring reports; providing for termination; amending s. 651.118, F.S.; excluding a specified number of beds from a time limit imposed on extension of authorization for continuing care residential community providers to use sheltered beds for nonresidents; requiring a facility to report such use after the expiration of the extension; amending s. 395.701, F.S.; reducing the annual assessment on hospitals to fund public medical assistance; providing for contingent effect; amending s. 395.7015, F.S.; reducing the annual assessment on certain health care entities; amending s. 408.904, F.S.; increasing certain benefits for hospital outpatient services; amending s. 409.912, F.S.; providing for a contract with reimbursement of an entity in Pasco or Pinellas County that provides in-home physician services to Medicaid recipients with degenerative neurological diseases; providing for future repeal; providing appropriations; providing for effect of amendments to ss. 395.701 and 395.7015, F.S., contingent on a federal waiver; providing for the transfer of certain unexpended Medicaid funds from the Department of Elderly Affairs to the Agency for Health Care Administration; amending ss. 641.31, 641.315, and 641.3155, F.S.; prohibiting a health maintenance organization from restricting a provider's ability to provide inpatient hospital services to a subscriber; requiring payment for medically necessary inpatient hospital services; providing applicability; amending s. 641.51, F.S.; relating to quality assurance program requirements for certain managed care organizations; allowing the rendering of adverse determinations by physicians licensed in any state;

requiring the submission of facts and documentation pertaining to rendered adverse determinations; providing timeframe for organizations to submit facts and documentation to providers and subscribers in writing; requiring an authorized representative to sign the notification; creating s. 381.7351, F.S.; creating the “Reducing Racial and Ethnic Health Disparities: Closing the Gap Act”; creating s. 381.7352, F.S.; providing legislative findings and intent; creating s. 381.7353, F.S.; providing for the creation of the Reducing Racial and Ethnic Health Disparities: Closing the Gap grant program, to be administered by the Department of Health; providing department duties and responsibilities; authorizing appointment of an advisory committee; creating s. 381.7354, F.S.; providing eligibility for grant awards; creating s. 381.7355, F.S.; providing project requirements, an application process, and review criteria; creating s. 381.7356, F.S.; providing for Closing the Gap grant awards; providing for local matching funds; providing factors for determination of the amount of grant awards; providing for award of grants to begin by a specified date, subject to specific appropriation; providing for annual renewal of grants; creating the Florida Commission on Excellence in Health Care; providing legislative findings and intent; providing definitions; providing duties and responsibilities; providing for membership, organization, meetings, procedures, and staff; providing for reimbursement of travel and related expenses of certain members; providing certain evidentiary prohibitions; requiring a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives; providing for termination of the commission; amending s. 408.7056, F.S.; providing additional definitions for the Statewide Provider and Subscriber Assistance Program; amending s. 627.654, F.S.; providing for insuring small employers under policies issued to small employer health alliances; providing requirements for participation; providing limitations; providing for insuring spouses and dependent children; allowing a single master policy to include alternative health plans; amending s. 627.6571, F.S.; including small employer health alliances within policy nonrenewal or discontinuance, coverage modification, and application provisions; amending s. 627.6699, F.S.; revising restrictions relating to premium rates to authorize small employer carriers to modify rates under certain circumstances and to authorize carriers to issue group health insurance policies to small employer health alliances under certain circumstances; requiring carriers issuing a policy to an alliance to allow appointed agents to sell such a policy; amending ss. 240.2995, 240.2996, 240.512, 381.0406, 395.3035, and 627.4301, F.S.; conforming cross references; defining the term “managed care”; creating s. 641.185, F.S.; providing health maintenance organization subscriber protections; specifying the principles to serve as standards for the Department of Insurance and the Agency for Health Care Administration exercising their duties and responsibilities; requiring that a health maintenance organization observe certain standards in providing health care for subscribers; providing for subscribers to receive quality care from a broad panel of providers, referrals, preventive care, emergency screening services, and second opinions; providing for assurance of independent accreditation by a national review organization and financial security of the organization; providing for continuity of health care; providing for timely, concise information regarding reimbursement to providers and services; providing for flexibility to transfer to another health maintenance organization within the state; providing for eligibility without discrimination based on health status; providing requirements for health maintenance organizations that issue group health contracts relating to preexisting conditions, contract renewability, cancellation, extension, termination, and conversion; providing for timely, urgent grievances and appeals within the organization; providing for timely and urgent review of grievances and appeals by an independent state external review agency; providing for notice of rate changes; providing for information regarding contract provisions, services, medical conditions, providers, and service delivery; providing that no civil cause of action is created; amending s. 641.511, F.S.; requiring posting of certain consumer assistance notices; providing requirements; amending s. 627.6699, F.S.; revising a definition; requiring small employer carriers to begin to offer and issue all small employer benefit plans on a specified date; deleting a requirement that basic and standard small employer health benefit plans be issued; providing additional requirements for determining premium rates for benefit plans;

providing for application to plans provided by certain small employer carriers under certain circumstances; amending s. 409.212, F.S.; providing for periodic increase in the optional state supplementation rate; amending s. 409.901, F.S.; amending definitions of terms used in ss. 409.910-409.920, F.S.; amending s. 409.902, F.S.; providing that the Department of Children and Family Services is responsible for Medicaid eligibility determinations; amending s. 409.903, F.S.; providing responsibility for determinations of eligibility for payments for medical assistance and related services; amending s. 409.905, F.S.; increasing the maximum amount that may be paid under Medicaid for hospital outpatient services; amending s. 409.906, F.S.; allowing the Department of Children and Family Services to transfer funds to the Agency for Health Care Administration to cover state match requirements as specified; amending s. 409.907, F.S.; specifying bonding requirements for providers; specifying grounds on which provider applications may be denied; amending s. 409.908, F.S.; increasing the maximum amount of reimbursement allowable to Medicaid providers for hospital inpatient care; creating s. 409.9119, F.S.; creating a disproportionate share program for children's hospitals; providing formulas governing payments made to hospitals under the program; providing for withholding payments from a hospital that is not complying with agency rules; amending s. 409.919, F.S.; providing for the adoption and the transfer of certain rules relating to the determination of Medicaid eligibility; authorizing developmental research schools to participate in Medicaid certified school match program; providing for the Agency for Health Care Administration to seek a federal waiver allowing the agency to undertake a pilot project that involves contracting with skilled nursing facilities for the provision of rehabilitation services to adult ventilator dependent patients; providing for evaluation of the pilot program; repealing s. 400.464(3), F.S., relating to home health agency licenses provided to certificate-of-need exempt entities; repealing ss. 408.70(3), 408.701, 408.702, 408.703, 408.704, 408.7041, 408.7042, 408.7045, 408.7055, and 408.706, F.S., relating to community health purchasing alliances; repealing s. 409.912(4)(b), F.S., relating to the authorization of the agency to contract with certain prepaid health care services providers; providing appropriations; reducing certain allocation of positions and funds; providing effective dates.

Reports of Councils and Standing Committees

Council Reports

*The Honorable Joseph Arnall, Chair
Committee on Rules & Calendar*

April 25, 2000

Dear Sir:

The Health & Family Services Council respectfully submits the following report of Council actions adopted on April 25, 2000.

Pursuant to Rule 59(a), the Council reports the following ranking of available bills:

1. CS/HB 2339—Patient Protection Act of 2000
2. HB 2125—Dept. of Children & Family Services
3. CS/HB 433—Pharmacists/Licensure by Endorsement
4. CS/CS/HB 591—Certificates of Need/AHCA
5. CS/HB 1129—Medicaid Managed Health Care
6. HB 1519—Drug-free Workplaces

Pursuant to Rules 79(a) and 59(f), the Council recommends the following bill(s) for CLOSURE:

CS/HB 2339—Patient Protection Act of 2000

A quorum of the Council was present and a majority of those present agreed to the above report.

Sincerely,
Durell Peadar, Jr., M.D., J.D.
Chair

Committee Reports

Received April 25:

The Committee on Community Affairs recommends the following pass:

- HB 1441 (unanimous)
- HB 1639 (unanimous)
- HB 1699, with 1 amendment
- HB 1855 (unanimous)
- HB 2413, with 15 amendments (unanimous)

The above bills were placed on the appropriate Calendar.

The Committee on Governmental Operations recommends the following pass:

- HB 735 (unanimous)
- HB 2389 (unanimous)
- SB 208 (unanimous)

The above bills were placed on the appropriate Calendar.

The Committee on Criminal Justice Appropriations recommends a committee substitute for the following:

- CS/HB 159 (fiscal note attached)

The above committee substitute was placed on the appropriate Calendar, subject to review under Rule 113(b), and, under the rule, CS/HB 159 was laid on the table.

The Committee on General Appropriations recommends a committee substitute for the following:

- HB 2339

The above committee substitute was placed on the appropriate Calendar, subject to review under Rule 113(b), and, under the rule, HB 2339 was laid on the table.

The Committee on General Government Appropriations recommends committee substitutes for the following:

- CS/HB 2023 (fiscal note attached)
- HB 2209 (fiscal note attached, unanimous)
- HB 2237 (fiscal note attached)

The above committee substitutes were placed on the appropriate Calendar, subject to review under Rule 113(b), and, under the rule, CS/HB 2023 and HBs 2209 and 2237 were laid on the table.

The Committee on Transportation & Economic Development Appropriations recommends a committee substitute for the following:

- HB 1725 (fiscal note attached, unanimous)

The above committee substitute was placed on the appropriate Calendar, subject to review under Rule 113(b), and, under the rule, HB 1725 was laid on the table.

The Committee on Community Affairs recommends the following pass:

- CS/HB 237 (unanimous)

The above bill was referred to the Committee on Criminal Justice Appropriations.

The Committee on Governmental Operations recommends the following pass:

- HB 447 (unanimous)
- HB 449, with 2 amendments (unanimous)

The above bills were referred to the Committee on Criminal Justice Appropriations.

The Committee on Governmental Operations recommends the following pass:

- HB 1103 (unanimous)
- CS/SB 210 (unanimous)

The above bills were referred to the Committee on General Appropriations.

The Committee on Finance & Taxation recommends the following pass:

HJR 1913 (fiscal note attached, unanimous)

HB 1933, with 1 amendment (fiscal note attached, unanimous)

The above bills were referred to the Committee on General Government Appropriations.

The Committee on Governmental Operations recommends the following pass:

HB 2361, with 2 amendments (unanimous)

The above bill was referred to the Committee on General Government Appropriations.

The Committee on Finance & Taxation recommends the following pass:

CS/HB 245 (fiscal note attached, unanimous)

CS/HB 699, with 2 amendments (fiscal note attached)

HB 743, with 1 amendment (fiscal note attached)

CS/HB 771, with 1 amendment (fiscal note attached, unanimous)

CS/HB 1857, with 2 amendments (fiscal note attached, unanimous)

The above bills were referred to the Committee on Transportation & Economic Development Appropriations.

The Committee on Finance & Taxation recommends a committee substitute for the following:

HBs 67 & 187 (fiscal note attached)

The above committee substitute was referred to the Committee on General Appropriations, subject to review under Rule 113(b), and, under the rule, HBs 67 and 187 were laid on the table.

The Committee on Insurance recommends the following pass:

HB 2221, with 1 amendment (unanimous)

The above bill was referred to the Committee on Business Regulation & Consumer Affairs.

The Committee on Governmental Operations recommends the following pass:

HB 1805, with 1 amendment (unanimous)

The above bill was referred to the Committee on Community Affairs.

The Committee on Community Affairs recommends the following pass:

HB 823 (unanimous)

HB 1777, with 1 amendment (unanimous)

The above bills were referred to the Committee on Finance & Taxation.

The Committee on Insurance recommends the following pass:
HB 2295, with 3 amendments (unanimous)

The above bill was referred to the Committee on Financial Services.

The Committee on Insurance recommends the following pass:
HB 2333, with 4 amendments (unanimous)

The above bill was referred to the Committee on Governmental Operations.

The Committee on Community Affairs recommends the following pass:

HB 1791, with 2 amendments (unanimous)

The above bill was referred to the Committee on Governmental Rules & Regulations.

Communications

The Governor advised that he had filed in the Office of the Secretary of State CS/HB 57; CS/HB 311; CS/HB 331; and HBs 1115 and 1139, which he approved on April 24.

Excused

Rep. Diaz de la Portilla; Rep. Gottlieb until 2:35 p.m.

Conference Committee Managers Excused

The following Conference Committee Managers were excused from time to time:

HBs 2145 and 2147 (appropriations): Rep. Pruitt (Chair), Rep. L. Miller (Vice Chair); At Large—Reps. Bradley, Lacasa, Jones, Feeney, Dockery, Garcia, Logan, Lawson, Maygarden, Wasserman Schultz, Roberts, Bitner (alternate), and Bloom (alternate); Criminal Justice Appropriations—Rep. Villalobos (Chair), Reps. Ball, Crist, Crady, J. Miller, Ryan (alternate), and Bush (alternate); Education Appropriations—Rep. Wise (Chair), Reps. Chestnut, Constantine, Lynn, Melvin, Turnbull, Alexander (alternate), and Greenstein (alternate); General Government Appropriations—Rep. Sembler (Chair), Reps. Byrd, Bense, Eggelletion, Minton, Gay (alternate), and Putnam (alternate); Health & Human Services Appropriations—Rep. Sanderson (Chair), Reps. Casey, Farkas, Hafner, Murman, Peaden, A. Greene (alternate), and Littlefield (alternate); Transportation & Economic Development Appropriations—Rep. Fuller (Chair), Reps. Crow, Kyle, K. Smith, Reddick, Bronson (alternate), Harrington (alternate), and Johnson (alternate).

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 5:38 p.m., to reconvene at 9:20 a.m., Wednesday, April 26.

**Pages and Messengers
for the week of
April 24-28**

PAGES—Micah Bielert, Zephyrhills; Sarah Block, Tequesta; Nicholas Blommel, Dade City; Chelsea Mikel Bowman, Atlantic Beach; Orlando Cicilia, West Miami; Kaitlin J. Connell, Vero Beach; Jared Hatchell, Deltona; Kristene Henkelman, Lakeland; Jonathan J. Hukill, Port Orange; Krystan Kupiszewski, Dover, DE; Sarah C. Maguire, Ponte Vedra Beach; Jenna Ann Northcutt, Pace; Timothy Allan Rawlins, Hollywood; Arthur Fredrick Register III, Altamonte Springs; Marissa J. Rogers, Eustis; Jonathan Salud, Lake Wales.

MESSENGERS—Jonathan Lee Baker, Crestview; Matthew Bishoff, Tampa; Sarah Broz, New Port Richey; Aaron Burgin, Jacksonville; Adrian Campbell, Miami Shores; Joshua Corcoran, Lanesboro, MA; Dominique S. Crawford, Tallahassee; Mary Beth Curry, Valrico; Joey Gindle, Temple Terrace; Chris A. Maguire, Ponte Vedra Beach; Elizabeth Mayernick, Niceville; Sequoya A. Moore, Tallahassee; Kati J. Winniczuk, Palm City.